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THE

Statutes at Large,

FROM THE

Second to the Eighth Year of Queen ANNE.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE

Statutes at Large,

FROM THE

Second to the Eighth Year of Queen ANNE.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

VOL. XI.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.

VOL. II.

A

TABLE of the STATUTES,

Containing the Titles of all ſuch Acts as are extant in print, from the Second to the Eighth Year of Queen ANNE.

Anno 2 & 3 Annæ.

Cap. 1. FOR granting an aid to her Majeſty by a land tax, to be raiſed in the year one thouſand ſeven hundred and four.

Cap. 2. For granting an aid to her Majeſty, by continuing the duties upon malt, mum, cyder, and perry, for one year.

Cap. 3. For granting an aid to her Majeſty, for carrying on the war, and other her Majeſty's occaſions, by ſelling annuities at ſeveral rates, and for ſuch reſpective terms or eſtates as are therein mentioned.

Cap. 4. For the publick regiſtring of all deeds, conveyances, and wills, that ſhall be made of any honours, manors, lands, tenements, or hereditaments, within the weſt riding of the county of *York*, after the nine and twentieth day of *September*, one thouſand ſeven hundred and four.

Cap. 5. To repeal a *Proviſo* in an act of the fourth year of the reign of King *William* and Queen *Mary*, which prevents the citizens of the city of *York* from diſpoſing of their perſonal eſtates by their wills, as others inhabiting within the province of *York* by that act may do.

Cap. 6. For the increaſe of ſeamen, and better encouragement of navigation, and ſecurity of the coal trade.

Cap. 7. For enlarging the term of years granted by an act paſſed in the ſeſſion of parliament, held in the eleventh and twelfth years of King *William* III. for the repair of *Dover* harbour.

Cap. 8. For the erecting a workhouſe in the city of *Worceſter*, and for ſetting the poor on work there.

Cap. 9. For granting to her Majeſty an additional ſubſidy of tunnage and poundage for three years; and for laying a further duty upon *French* wines condemned as lawful prize; and for aſcertaining the values of unrated goods imported from the *Eaſt Indies*.

Cap. 10. To enlarge the time for the purchaſers of the forfeited eſtates in *Ireland*, to make the payments of their purchaſe money.

Cap. 11. For the making more effectual her Majeſty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majeſty to grant in perpetuity the revenues of the firſt fruits and tenths; and alſo for enabling any other perſons to make grants for the ſame purpoſe.

Cap. 12. For the raiſing the militia for the year one thouſand ſeven hundred and four, notwithſtanding the month's pay formerly advanced be not repaid.

Cap. 13. For prolonging the time by an act of parliament made in the firſt year of her Majeſty's reign, for importing thrown ſilk of the growth of *Sicily* from *Legborn*.

Cap. 14. For the better ſecuring and regulating the duties upon ſalt.

Cap. 15. For the better and more regular paying and aſſigning the annuities, after the rate of three pounds *per cent. per annum*, payable to ſeveral bankers, and other patentees,

tentees, or thoſe claiming under them.

Cap. 16. For the diſcharging out of priſon ſuch inſolvent debtors as ſhall ſerve, or procure a perſon to ſerve, in her Majeſty's fleet or army.

Cap. 17. For the better charging ſeveral accountants with intereſt monies by them received, and to be received.

Cap. 18. For the further explanation and regulation of privilege of parliament in relation to perſons in publick offices.

Cap. 19. For raiſing recruits for the land forces, and marines, and for diſpenſing with part of the act for the encouragement and increaſe of ſhipping and navigation, during the preſent war.

Cap. 20. For puniſhing mutiny, deſertion, and falſe muſters, and for better paying of the army and quarters, and for ſatisfying divers arrears, and for a further continuance of the powers of the five commiſſioners for examining and determining the accounts of the army.

Private Acts.

Anno 2 & 3 Annæ.

1. An act for naturalizing *Elizabeth Cholmondeley*, wife of *George Cholmondeley*, eſq;
2. An act to enable the guardian of the earl of *Warwick* and *Holland*, during his minority, to make leaſes of ſeveral meſſuages in or near *Weſt Smithfield*.
3. An act for ſettling and confirming ſeveral exchanges with *Ralph* earl *Montague*, of ſeveral lands and common of *Simon Motton*, and others, lying in *Geddington*, in the county of *Northampton*, for ſeveral lands of the ſaid earl's, lying near to the ſame, and for confirming ſeveral agreements relating to the ſaid exchanges.
4. An act for confirming the execution of a certain agreement made between *Ralph* lord *Grey*, baron of *Werke*, and *Charles* lord *Oſſulſtone* and the lady *Mary* his wife, touching certain manors, lands, and tenements, in the counties of *Northumberland*, *Middleſex*, and city of *London*, and alſo between *Laurence* earl of *Rocheſter*, and the ſaid lord *Grey*, concerning other manors, lands, and tenements, in the ſaid county of *Northumberland*, county palatine of *Durham*, and town of *Berwick* upon *Tweed*.
5. An act for veſting ſeveral eſtates in the counties of *Cornwall*, and *Devon*, and ſeveral leaſehold eſtates, in truſtees, to be ſold for raiſing portions for the younger children of *George* lord *Carteret*, deceaſed, and for laying out the overplus of the money raiſed by ſuch ſales, in purchaſe of other lands.
6. An act for ſale of the eſtate of *Henry* lord viſcount *Dillon* in the kingdom of *Ireland*, for payment of his debts, and for ſettling an equivalent in other part of his eſtate on the viſcounteſs his wife, for her jointure.
7. An act to enable Sir *George Wheeler*, knight, and doctor in divinity, to make leaſes of ſome houſes and ground in *Chanon Row* in *Weſtminſter*.
8. An act to enable Sir *John Aſtley*, baronet, to make a jointure upon his marriage, during his minority, and to enable him to buy in any rent-charge, or other incumbrance upon his eſtate.
9. An act for confirming and better execution of articles, and the agreements therein contained, for the diſpoſition and diviſion of the eſtate of the late lord *Jermyn*, among his coheirs.
10. An act for ſupplying the defect of the execution of a power in Sir *John Ivory*, knight, deceaſed, for making proviſion for his younger children.

11. An

11. An act to enable Sir *Thomas Tipping*, baronet, to ſell the manor of *Ickford* in the county of *Bucks*, for payment of a debt charged thereon, and laying out the ſurplus money in purchaſe of other lands, to be ſettled to the ſame uſes.

12. An act to diſcharge the governor and company for making hollow ſword-blades in *England*, of the ſum of eighteen thouſand eight hundred ſixty four pounds, ſeven ſhillings, and one halfpenny, by miſtake overcharged in the purchaſe-money, for ſeveral forfeited and other eſtates and intereſts in *Ireland*, purchaſed by them.

13. An act for veſting ſeveral eſtates of Sir *Charles Bickerſtaffe*, knight, in truſtees, to be ſold for payment of debts, and making proviſion for his wife and daughter.

14. An act for ſale of certain lands in *Charwelton*, in the county of *Northampton*, of *William Adams*, clerk, for payment of debts, and of portions to his younger brothers and ſiſters, and ſettling other lands of greater value upon his wife and children in lieu thereof.

15. An act for veſting the eſtate of *Thomas Leigh*, late of *Ridge* in the county of *Cheſter*, eſq; deceaſed, in truſtees, for the payment of his debts, perfecting his purchaſes, and better effecting the purpoſes in his will.

16. An act for the making void certain uſes, eſtates, and truſts, limited in the marriage ſettlement of *Henry Awdley*, eſq; of certain manors and lands contained in that ſettlement, and ſettling other manors and lands of better value, to and for the ſame uſes, eſtates, and truſts.

17. An act to enable *Robert Cawdron*, eſq; to ſettle part of his eſtate (which he has improved) for raiſing portions for his younger children.

18. An act for veſting lands in *Eſſex*, deviſed by Sir *Robert Kemp*, knight, deceaſed, to the children, and grand children of *Elizabeth Outlaw*, one of his ſiſters and co-heirs, in truſtees, to be ſold for the benefit of the deviſees.

19. An act for the veſting of nine meſſuages in the pariſh of St. *Giles in the Fields*, in the county of *Middleſex*, being the eſtate of *William Farmin* and *Mary* his wife, in truſtees, to be ſold, and for ſettling in lieu thereof a meſſuage, and certain lands in *Whipſnade*, *Totternhoe*, and *Studham*, in the county of *Bedford*.

20. An act to enable *John Jenkins*, eſq; to ſell lands in the counties of *Durham* and *Northumberland*, for payment of debts charged thereupon.

21. An act for veſting in truſtees part of the eſtate of *Thomas Harlackenden Bowes*, eſq; for payment of the debts and legacies wherewith the ſaid eſtate is charged, and for preſerving the reſidue clear of charges for the benefit of *Thomas Bowes*, eſq; an infant.

22. An act to enable *Arabella Foot* to lay out monies belonging to her ſon *Topham Foot*, in purchaſes of lands for his benefit.

23. An act to enable the lord high treaſurer of *England*, or commiſſioners of the treaſury for the time being, to compound with *John Farrer*, eſq; for a debt due from him as ſurety for *John Maſon*, gent. late receiver general for the county of *Cambridge* and iſle of *Ely*.

24. An act for the veſting the manor of *Michael Church*, in the county of *Radnor*, and other lands in the county of *Salop*, of *Mary Bowdler*, and *William Bowdler*, gent. in certain truſtees, for payment of the debts, and making proviſion for the younger children of the ſaid *William Bowdler*.

25. An act for ſettling the manor of *Creech* in the county of *Somerſet*, in

truſtees, to enable them to renew leaſes for the maintenance of the younger ſons of *William Keyt*, eſq; deceaſed, during their minority.

26. An act for ſale of ſome part of the eſtate of *John Holden*, gent. and *Robert Holden*, his ſon, for payment of their debts, and for diſpoſing of younger children apprentices.

27. An act for naturalizing *Iſaac Kops*.

28. An act for naturalizing *Rene Rance*, *Matthew Decker*, and others.

29. An act for naturalizing *Henry Boiſrond de St. Leger*, *Peter la Grange*, *Lewis Wadden*, and others.

30. An act to veſt the manor of *Hanſlop*, and *Caſtlethrop*, and all other the lands and hereditaments of Sir *Peter Tyrrel* baronet, and *Thomas Tyrrel*, eſq; his ſon, in the county of *Bucks*, in truſtees, to ſell part thereof for payment of debts, and to ſettle other lands and hereditaments there, being of an equal value, in lieu of lands to be ſold.

31. An act to enable Sir *John Cowper* knight, and *Anthony Henley* eſq; to make a partition, and grant building leaſes of ſeveral meſſuages and tenements in *Lincoln's Inn Fields*, in the pariſhes of *St. Giles in the Fields*, and St. *Clement Danes*, in the county of *Middleſex*.

32. An act to veſt part of the eſtate of Sir *Chriſtopher Phillipſon* knight, in truſtees, to be ſold for payment of debts, and for charging part thereof with maintenance for a daughter who is a lunatick.

33. An act for veſting the manor of *Yeovilton*, in the county of *Somerſet*, and other lands therein mentioned, of *William Cary* eſq; in truſtees, for diſcharging incumbrances, and making proviſion for his younger children, and ſettling other lands in the county of *Devon* in lieu thereof.

34. An act for veſting divers manors and lands of *Matthew Hollworthy* eſq; in truſtees, to be ſold, and purchaſing other manors or lands of equal value, and limiting the manors or lands to be purchaſed to the ſame uſes, as the lands to be ſold are limited.

35. An act for enabling *Bernard Cotton* eſq; to ſell ſome part of his eſtate for payment of his debts, and for confirming ſeveral conveyances already made of ſeveral other parcels of his eſtate by himſelf and truſtees, to ſeveral purchaſers thereof.

36. An act to charge the eſtate of *Ambroſe Andrews* gent. with monies for payment of debts, and for ſupplying ſome defects in the ſettlement of the ſaid eſtate, for making a jointure and leaſes upon the ſaid eſtate.

37. An act to eſtabliſh and confirm a partition and agreement of and touching the eſtate of Sir *Thomas Style*, late of *Wateringbury*, in the county of *Kent*, baronet.

38. An act for ſettling the eſtate of Dr. *Thomas Lamplugh*, deceaſed, purſuant to his marriage articles and ſettlement prepared for that purpoſe, and for proviſion for his younger children.

39. An act for the better veſting in *Giles Frampton* eſq; the manor and farm of *Moorton* alias *Moreton*, and *Hurſt*, in the county of *Dorſet*, in poſſeſſion, and for the better ſecuring the ſame, and the other manors, farms, meſſuages, lands, tenements, and hereditaments, late of *William Frampton* eſq; deceaſed, to him the ſaid *Giles Frampton*, and ſuch as are entitled in remainder after him, upon the death of *Tregonwell Frampton* eſq;

40. An act to enable *George Evelyn* to raiſe portions for his brothers and ſiſters, according to his father's will.

41. An act for ſale of part of the eſtate of *James Torr* gent. deceaſed, for

for payment of his debts, and for ſettling other part thereof to the uſes therein mentioned.

42. An act to ſubject the eſtate of *Robert Coke* of *Truſly*, in the county of *Derby* eſq; and *William Coke*, his ſon and heir apparent, to the payment of the ſaid *Robert Coke*'s debts, and to make proviſion for the wife, and younger children of the ſaid *William Coke*.

43. An act for the ſetting aſide a voluntary ſettlement made by *Mary Fermour*, widow, and for ratifying a partition made of the manors of *Merſham* and *Pett*, and divers lands in the county of *Suſſex*, between her and *Bartholemew Walmeſley* eſq; and others.

44. An act for the improvement of the eſtate of *John Briſco* in the county of *Cumberland*.

45. An act for making good the proviſion intended for captain *James Roch*, out of the forfeited eſtates in *Ireland*, and for reſtoring to the biſhoprick of *Cloyne* in the ſaid kingdom the manor and lands of *Donomore*.

46. An act for ſetting aſide voluntary ſettlements made by *John Hawe* gent. of eſtates in the counties of *Stafford* and *Warwick*, and ſettling ſome part of his eſtate upon the ſaid *John Hawe*, and his ſon, and for making proviſion for the maintenance of his ſon and daughter, and raiſing a portion for ſuch daughter, and ſelling the reſidue for payment of his debts.

47. An act for ſale of the eſtate of *John Digby* eſq; deceaſed in the county of *Buckingham*, and dividing the money between Sir *John Conway* baronet, and *Richard Moſtyn* eſq; and for ſettling the eſtate of Sir *John Conway*, in the county of *Flint*, and making proviſion for his ſon and daughter, according to an agreement for that purpoſe.

48. An act for the further recompenſing of *John Baker* gent. and his family, for the ſervice of col. *Baker* at *Londonderry* in *Ireland*, and for ſtating the accounts of the late receivers of the rents and profits of the forfeited eſtates in *Ireland*.

49. An act, that the ſhips, the *Golden Scar* and *Bull*, being taken as prize, and condemned, may have freedom of trading as *Engliſh* ſhips.

50. An act to naturalize *Daniel Barbier*, *John Kerron du Cheſne*, and others.

51. An act for naturalizing *Henry de Hant*, *George Chabot*, and others.

Anno 3 & 4 *Annæ*.

Cap. 1. For granting an aid to her Majeſty, by a land tax, to be raiſed in the year one thouſand ſeven hundred and five.

Cap. 2. For raiſing monies by ſale of ſeveral annuities, for carrying on the preſent war.

Cap. 3. For continuing the duties upon malt, mum, cyder, and perry, for one year.

Cap. 4. For continuing duties upon low wines, and upon coffee, tea, chocolate, ſpices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muſlins; and for granting new duties upon ſeveral of the ſaid commodities, and alſo upon callicoes, china ware, and drugs.

Cap. 5. For granting to her Majeſty a further ſubſidy on wines and merchandizes imported.

Cap. 6. For the better enabling her Majeſty to grant the honour and manor of *Woodſtock*, with the hundred of *Wootton*, to the duke of *Marlborough*, and his heirs, in conſideration of the eminent ſervices by him performed to her Majeſty and the publick.

Cap. 7. For the effectual ſecuring the kingdom of *England* from the apparent dangers that may ariſe from ſeveral acts lately paſſed in the parliament of *Scotland*.

Cap. 8. To permit the exportation of *Iriſh* linen cloth to the plantations, and to prohibit the importation of *Scotch* linen into *Ireland*.

Cap. 9. For giving like remedy upon promiſſory notes, as is now uſed upon bills of exchange, and for the better payment of inland bills of exchange.

Cap. 10. For encouraging the importation of naval ſtores from her Majeſty's plantations in *America*.

Cap. 11. For the better recruiting her Majeſty's land forces, and the marines, for the year one thouſand ſeven hundred and five.

Cap. 12. For the relief of the creditors of *Thomas Pitkin*, a bankrupt, and for the apprehending of him, and the diſcovery of the effects of the ſaid *Thomas Pitkin*, and his accomplices.

Cap. 13. For prohibiting all trade and commerce with *France*.

Cap. 14. To prevent all traiterous correſpondence with her Majeſty's enemies.

Cap. 15. For the relief of *Fulk Emes* gent. and others, who had elapſed their times, either for paying their money, or naming their nominees, for purchaſing annuities; and alſo for relief of Sir *John Mead* knight and baronet, who had elapſed his time for paying part of his purchaſe-money for a forfeited eſtate in *Ireland*, and alſo for relief of *Dorothy Ireland*, and others, in reſpect of ſeveral tickets for payment of annuities, and of ſeveral million lottery, and malt lottery tickets, and Exchequer bills, and debentures to the army, which have been burnt or loſt.

Cap. 16. For puniſhing mutiny and deſertion, and falſe muſters; and for the better payment of the army and their quarters.

Cap. 17. For raiſing the militia for the year one thouſand ſeven hundred and five, although the month's pay formerly advanced be not repaid.

Cap. 18. For making perpetual an act for the more eaſy recovery of ſmall tithes; and alſo an act for the more eaſy obtaining partition of lands in coparcenary, joint-tenancy, and tenancy in common; and alſo for making more effectual and amending ſeveral acts relating to the return of jurors.

Private Acts.

Anno 3 & 4 Annæ.

1. An act for ſettling the right of ſeveral parcels of land, and other tenements, and of certain fiſhings, and tithes of fiſhings, in the ſociety of the governor and aſſiſtants, *London*, of the new plantation in *Ulſter*, within the realm of *Ireland*, and their ſucceſſors; and for ſettling a rent charge of 250 l. *per annum* upon the lord biſhop of *Derry*, and his ſucceſſors for ever.
2. An act for naturalizing *Thomas Levingſton*, viſcount *Teviott* in the kingdom of *Scotland*.
3. An act for naturalizing *Louiſe Marie Creſſet*, the wife of *James Creſſet*, eſq;
4. An act to enable *Thomas Pile*, eſq; and *Elizabeth Freke*, to make leaſes for lives of the eſtate of *Thomas Freke* of *Iwerne Courtney*, eſq; deceaſed, as alſo the ſon of *George Pitt*, eſq; ſo to do, when entitled, and in actual poſſeſſion of the premiſſes; and that he may be enabled to make a jointure upon any woman he ſhall marry, out of the ſame; and for eſtabliſhing a ſchool in *Iwerne Courtney*, and augmenting the vicarage of *Corne Abbas*, in the county of *Dorſet*.
5. An act to enable *Agnes Hacche*, widow, and other truſtees, to make leaſes, and ſell lands, in the county of *Devon*, for the payment of the debts and legacies of *Robert Hacche*, eſq; deceaſed; and for the maintenance and advancement of his daughters portions.
6. An act for confirming an agree-

ment

ment between the executors of *Moſes Gould*, eſq; deceaſed, and his relict, for payment of the debts and maintenance of the younger children of the ſaid *Moſes Gould*, and for ſettling other part of his eſtate.

7. An act for ſale of the eſtate of *Daniel Drake*, gent. deceaſed, for the proviſion of his widow and children, according to his will.

8. An act for naturalizing *Henry Bowman*.

9. An act for veſting in truſtees certain manors and lands of *William* duke of *Devonſhire*, and *William Cavendiſh*, commonly called marquis of *Hartington*, to enable them to mortgage the ſame for payment of debts, and ſubject thereunto to ſettle the ſame to the like uſes, as the ſame are now ſettled.

10. An act to enable the right honourable *John* lord *Powlet*, and *Bridget*, lady *Powlet*, his wife, with the conſent of their truſtees, to ſell their ſhares and intereſt of and in certain manors and lands in the county of *Kent*, and to purchaſe other lands or hereditaments of the like value, to be ſettled to the ſame uſes.

11. An act to veſt the eſtate of *Charles* lord *Howard*, baron of *Eſcrick*, in truſtees, to ſell the ſame for payment of his debts.

12. An act for ſale of ſeveral eſtates in *England* and *Ireland*, for payment of the debts of *Charles* late earl of *Burlington*, and *Cork*.

13. An act for confirming an agreement made by certain articles by and between *John* earl of *Kildare*, *Richard* lord *Bellew*, both of the kingdom of *Ireland*, and *Frances* his lady, *Charlotte* counteſs of *Newburgh* of the kingdom of *Scotland*, and *William Rowley*, eſq; and for ſelling part of the eſtate of the ſaid earl of *Kildare*, for the purpoſes therein mentioned.

14. An act for confirmation of an agreement made between *Thomas* late lord biſhop of *Carliſle*, and *Thomas Cook*, eſq; for veſting the rectory of *Melborne* in the county of *Derby*, in the ſaid *Thomas Cook* and his heirs, upon augmentation of the rents to the biſhoprick of *Carliſle*, and of the ſtipend to the vicar of *Melborne*.

15. An act for ſale of ſeveral manors and lands in the counties of *Hereford*, *Radnor*, and *Brecon*, for payment of the debts of *Richard* and *Thomas Williams* late of *Cabalva* in the county of *Radnor*, eſquires, deceaſed.

16. An act for veſting in truſtees all the eſtate of *Baldwin Malett*, eſq; and *William Malett*, his ſon and heir apparent, for payment of the debts of the ſaid *Baldwin Malett* to her Majeſty, as he was receiver general for the county of *Somerſet*, and city and county of the city of *Briſtol*, and for ſettling the reſidue on the ſaid *William Malett*, his heirs and aſſigns for ever, as by agreement between the ſaid *Baldwin Malett* and *William Malett*.

17. An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *Richard Cobb*, eſq; as one of the ſureties of *Thomas Cobb*, gent. deceaſed, receiver general for the county of *Southampton*, and *Iſle of Wight*.

18. An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *John Drake*, *John Hunton*, and *Edmund Cocke*, as ſureties for *Auguſtine Briggs*, receiver general for the county of *Norfolk* and city of *Norwich*.

19. An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to compound with Sir *Michael Biddulph*, baronet, as he was one of the ſureties for *Morgan Whitley*, eſq; receiver general for the counties of *Cheſter* and *North Wales*.

20. An act for ſettling of the tithes of certain lands in *Franſton*, in the county of *Warwick*, upon *Simon Biddulph*, eſq; and his heirs, and for ſettling a rent-charge in lieu thereof, upon the preſent rector there, and his ſucceſſors for ever.

21. An act for the augmentation of the vicarage of *Gainsborough*, in the county of *Lincoln*.

22. An act to empower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *Thomas Whitley*, eſq; as he was one of the ſureties for *Morgan Whitley*, eſq; late receiver general for the counties of *Cheſter* and *North Wales*.

23. An act for ſale of the eſtate of *Ambroſe Scudamore*, eſq; deceaſed, for payment of the mortgage-money and debts thereupon, and placing out the overplus money to the uſes therein mentioned.

24. An act for ſale of certain lands and tenements in *Heſton* in the county of *Middleſex*, late the eſtate of *Matthew Liſter* and his wife, and *Timothy Whitfield* and his wife, for the purpoſes therein mentioned.

25. An act to enable *James Lockart*, eſq; and his wife, to ſell certain lands, tenements, and hereditaments in the county of *Eſſex*, late of Sir *Thomas Luckin*, baronet, deceaſed, for payment of their debts, and to purchaſe other lands with the overplus of the money, to be ſettled to like uſes.

26. An act for raiſing money by a mortgage of a plantation in the *Barbadoes*, to pay the debts of *Robert Hooper*.

27. An act for ſale of part of the eſtate of *Edward Baines*, gent. for diſcharge of a mortgage thereupon, and making proviſion for his daughters.

28. An act for ſevering and diſuniting the church or chapel of *Horne*, from the church or chapel of *Blechingley*, in the county of *Surrey*.

29. An act to enable truſtees to raiſe money to pay the debts of *Mark Delves*, eſq; deceaſed.

30. An act for ſale of ſeveral lands and hereditaments of *Thomas Goddard* of *Rudlow*, in the county of *Wilts*, eſq; deceaſed, for payment of his debts, and for ſettling the overplus upon *Ambroſe Goddard*, for the purpoſes therein mentioned.

31. An act for ſale of ſeveral lands and hereditaments of *George Nodes*, eſq; in the county of *Hertford*, for payment of his debts, and the debts of *George Nodes*, eſq; his father, deceaſed, charged thereupon.

32. An act to enable *Joſeph Hinxman* of *North Hinton*, in the county of *Southampton*, eſq; to ſell ſome eſtates in *Andover*, in the ſaid county; and for the ſettling other eſtates in *Chriſt Church Twyneham* in the ſaid county, of a better value, to the ſame uſes.

33. An act for ſale of ſeveral lands in the counties of *Durham* and *Northumberland*, late of *Patricius Crow*, eſq; deceaſed, for the raiſing the portions charged thereupon for his younger children.

34. An act for veſting an eſtate mortgaged in fee by *Thomas Burr*, to *Anthony Tomkins* (now an infant) in truſtees, to reconvey the ſame to the ſaid *Thomas Burr*, or as he ſhall appoint, upon payment of all the monies due on the ſaid mortgage.

35. An act for confirming and making good the laſt will and teſtament of *Hugh Nanney*, eſq; deceaſed.

36. An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *John Moſon*, gent. who was receiver general for the county, univerſity, and town of *Cambridge*, and *Iſle of Ely*; and alſo with *John Pickering*, ſilkman, one of the ſaid *John Maſon*'s ſureties, as he was ſuch receiver.

37. An

37. An act for ſale of the eſtate of *Charles Bludworth*, eſq; deceaſed, for payment of his debts.

38. An act for veſting the eſtate late of *Thomas Guy*, gent. deceaſed, for payment of his debts.

39. An act to enable *John Proctor*, of *Rock* in the county of *Northumberland*, eſq; to ſell or otherwiſe diſpoſe of his lands in *Shawdon*, *Shawdon Woodhouſe*, and *Crawley*, upon ſettling lands of like value in the ſaid county, in lieu thereof.

40. An act for ſale of part of the eſtate of *John Sands*, eſq; in the county of *Surrey*, for payment of his debts, and raiſing a portion for his daughter.

41. An act for ſale of the eſtate of *Richard Ball*, in *Little Appleby* and *Great Appleby*, in the counties of *Derby* and *Leiceſter*, and for laying out ſo much of the money as will purchaſe another eſtate of equal value, to be ſettled to the ſame uſes, and the reſidue in making proviſion for younger children.

42. An act to enable *Edmund Waller*, eſq; to charge his eſtate (not ſettled on his wife in jointure) with a ſum of money for payment of his debts.

43. An act for raiſing money for payment of the debts of *Thomas Hatcher*, eſq; by ſale or mortgage of ſome part of his eſtate, and for the better execution of ſeveral powers in his marriage ſettlement.

44. An act to enable *John Green*, of *Gavellacre* in the county of *Southampton*, clerk, to ſell ſome eſtates in *Hackleſton*, in the county of *Wilts*; and for the ſettling other eſtates in *Gavellacre*, in the county of *Southampton*, of a better value, to the ſame uſes.

45. An act to naturalize *Margarita Cecilia Cadogan*, wife of brigadier general *Cadogan*, *Gilbert Alſtieck*, and *John Herman Louis*.

46. An act for enabling truſtees to make leaſes of part of the manor of *Dingley*, and lands there, for payment of the debts of *James Griffin*, eſq; and raiſing portions for younger children.

47. An act for the better explanation of the ſettlement of the eſtate of *William Trafford*, gent. and *Clare* his wife, and *William* their eldeſt ſon, and for making more effectual a proviſion for younger children, according to agreements between them.

48. An act for veſting the equity of redemption of the manor and capital meſſuage of *Latchford*, with the appurtenances, and divers freehold meſſuages, farms, and lands, in *Latchford* and *Haſely*, in the county of *Oxon*, late the eſtate of *William Lenthall*, eſq; deceaſed, in truſtees, to be ſold for diſcharging of incumbrances thereupon.

49. An act to enable *William Cavendiſh*, eſq; to make a ſettlement in jointure upon any wife he ſhall marry, and for the better raiſing the portions charged upon his eſtate, and for confirming infranchiſements of ſeveral copyhold eſtates made by his father, within the manor of *Dovebridge* in the counties of *Stafford* and *Derby*.

50. An act to enable Sir *George Warburton*, baronet, to ſell the manor or lordſhip of *Pulford* in the county of *Cheſter*, to perform an agreement made upon his marriage for payment of ſeveral portions charged upon his eſtate; and alſo to pay ſome debts which his father had power to charge.

51. An act for ſale of ſeveral lands and chattel eſtates, in the county of *Devon*, and city and county of *Exon*, of *Joſeph Price*, for payment of his debts and legacies charged upon his eſtate, and for a proviſion for himſelf, his wife, and family.

52. An act to naturalize *Andrew Girardot*, alias *Devermenoux*, *Francis Buzelin*, and others.

53. An

53. An act to make ſome alterations and amendments in an act of parliament obtained the laſt ſeſſion by Sir *Peter Tyrrill*, and *Thomas Tyrrill* his ſon, in order to enable them to ſell ſeveral lands in *Hanſlop*, and *Caſtlethrop*, in the county of *Bucks*, which were ſettled upon the marriage of the ſaid *Thomas Tyrrill* and *Dorothy* his wife, and to ſettle other lands in lieu thereof.

54. An act for ſale of part of the eſtate of *Baptiſt May*, eſq; deceaſed, for reimburſing *Charles May*, eſq; his nephew, ſuch monies as he has expended for diſcharging the debts, legacies, and funeral expences of the ſaid *Baptiſt May*.

55. An act for ſale of the eſtate of *Thomas Holdford*, eſq; in *Plumbly*, and elſewhere, in the county of *Cheſter*, conſiſting chiefly in reverſions, to raiſe money for payment of his debts, and purchaſing an eſtate in poſſeſſion, to be ſettled to the ſame uſes as the other eſtate was ſettled.

56. An act for confirming a leaſe heretofore made, of certain meſſuages and lands in *Epſom*, by Sir *Joſeph Sheldon*, and Sir *James Edwards*, to *Humprey Beam*, and agreed to be ſigned to Sir *Thomas Cooke*, knight, and for enabling a leaſe of other lands adjoining to the ſame, to be made to him.

57. An act for veſting in truſtees the eſtate late of Sir *Thomas Worſopp*, knight, and *John Worſopp*, eſq; his ſon deceaſed, in *Finſbury-Fields* or *Moor-Fields*, in the pariſh of *Shoreditch*, in the county of *Middleſex*, to be ſold for the payment of debts and legacies, and the overplus of the money remaining, to be laid out for the purchaſing of meſſuages, lands, tenements, or hereditaments of inheritance in the kingdom of *Ireland*, to be ſettled as in the act is particularly mentioned.

58. An act to empower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *Thomas Kenyon*, executor of *Luke Lloyd*, eſq; as he was one of the ſureties of *Morgan Whitley*, eſq; as he was receiver general for the counties of *Cheſter* and *North Wales*.

59. An act for veſting the eſtate of *Joſeph Grainge*, and *Elizabeth* his wife, in truſtees, to be ſold, and to diſpoſe of part of the money ariſing by ſuch ſale for the maintenance of the ſaid *Elizabeth*, purſuant to their marriage ſettlement, and to apply the reſidue to the payment of the debts of the ſaid *Joſeph Grainge*.

60. An act to enable truſtees to ſell ſuch part of the eſtate of *Richard Liſter*, eſq; and *Frances Pate Liſter*, his wife, ſole daughter and heir of Sir *Thomas Smith*, baronet, deceaſed, in the county of *Cheſter*, and city of *Cheſter*, as remains unſold, in order to raiſe money for the payment of the debts of the ſaid Sir *Thomas Smith*, and for portions for younger children of the ſaid *Frances Pate Liſter*; and for applying the overplus in the purchaſe of other lands, to be ſettled to the ſame uſes as they are now ſettled; and likewiſe for confirming ſuch leaſes and ſales as have been made towards diſcharge of the ſaid debts.

61. An act to empower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *Michael Wicks*, eſq; late receiver general of the plantation duties in the port of *London*.

Anno 4 Annæ.

Cap. 1. For exhibiting a bill in this preſent parliament for naturalizing the moſt excellent princeſs *Sophia*, electreſs and dutcheſs dowager of *Hanover*, and the iſſue of her body.

Cap. 2. For granting an aid to her Ma-

Majeſty by a land tax to be raiſed in the year one thouſand ſeven hundred and ſix.

Cap. 3. To repeal ſeveral clauſes in the ſtatute made in the third and fourth years of her preſent Majeſty's reign, for ſecuring the kingdom of *England* from ſeveral acts lately paſſed in the parliament of *Scotland*.

Cap. 4. For the naturalization of the moſt excellent princeſs *Sophia*, electreſs and dutcheſs dowager of *Hanover*, and the iſſue of her body.

Cap. 5. For continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſix.

Cap. 6. For continuing an additional ſubſidy of tonnage and poundage, and certain duties upon coals, culm, and cinders, and additional duties of exciſe, and for ſettling and eſtabliſhing a fund thereby, and by other ways and means, for payment of annuities, to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſix, and other uſes therein mentioned.

Cap. 7. For making the town of *New Roſs*, in the county of *Wexford* in the kingdom of *Ireland*, a port for the exporting of wool from *Ireland* into this kingdom.

Cap. 8. For the better ſecurity of her Majeſty's perſon and government, and of the ſucceſſion to the crown of *England* in the proteſtant line.

Cap. 9. For repairing the highways between *Barnhill* and *Hatton Heath*, in the county of *Cheſter*.

Cap. 10. For the better recruiting her Majeſty's army and marines.

Cap. 11. For continuing an act made in the ſeſſion held in the third and fourth years of her Majeſty's reign, intituled, *An act for puniſhing mutiny and deſertion, and falſe muſters, and for the better payment of the army and quarters.*

Cap. 12. For laying further duties on low wines, and for preventing the damage to her Majeſty's revenue by importation of foreign cut whalebone, and for making ſome proviſions as to the ſtampt duties, and the duties on births, burials, and marriages, and the ſalt duties, and touching million lottery tickets, and for enabling her Majeſty to diſpoſe the effects of *William Kidd*, a notorious pirate, to the uſe of *Greenwich* hoſpital, and for appropriating the publick monies granted in this ſeſſion of parliament.

Cap. 13. For the better ordering and governing the watermen and lightermen upon the river of *Thames*.

Cap. 14. For the better collecting charity money on briefs, by letters patent, and preventing abuſes in relation to ſuch charities.

Cap. 15. For making the river *Stower* navigable, from the town of *Manningtree* in the county of *Eſſex*, to the town of *Sudbury* in the county of *Suffolk*.

Cap. 16. For the amendment of the law, and the better advancement of juſtice.

Cap. 17. To prevent frauds frequently committed by bankrupts.

Cap. 18. For enlarging the pier and harbour of *Parton* in the county of *Cumberland*.

Cap. 19. For the encouragement and increaſe of ſeamen, and for the better and ſpeedier manning her Majeſty's fleet.

Cap. 20. For the better enabling the maſter, wardens, and aſſiſtants of *Trinity Houſe*, to rebuild the lighthouſe on the *Edyſtone* rock.

Cap. 21. For the increaſe and better preſervation of ſalmon, and other fiſh, in the rivers within the counties of *Southampton* and *Wilts*.

Cap. 22. To impower the lord high treaſurer, or commiſſioners of the treaſury, to iſſue out of the monies ariſing by the coinage duty, any

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ſum not exceeding five hundred pounds, over and above the ſum of three thouſand pounds yearly, for the uſe of the mint.

Cap. 23. For raiſing the militia for the year one thouſand ſeven hundred and ſix, notwithſtanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy monies.

Cap. 24. To enlarge the time for regiſtring unſatisfied debentures upon the forfeited eſtates in *Ireland*, and for renewing of other debentures, which have been loſt, burnt, or deſtroyed.

Cap. 25. For the paying and clearing the ſeveral regiments commanded by lieutenant general *Stewart*, colonel *Hill*, and brigadier *Holt*, and for ſupplying the defect of the muſter rolls of thoſe and ſeveral other regiments.

Cap. 26. For making effectual a grant of their late majeſties King *William* and Queen *Mary*, of the town and lands of *Sea Town* to the archbiſhoprick of *Dublin*, and for reſtoring the ſame to the ſaid ſee.

Cap. 27. For the impropriate tithes of the pariſh of Saint *Bridget alias Bride's London*.

Private Acts.

Anno 4 Annæ.

1. An act for ſale of the eſtate late of *Thomas Chute*, eſq; in the county of *Warwick*, and laying out the monies ariſing thereby, in the purchaſe of other lands and hereditaments in the county of *Norfolk*, to be ſettled to the ſame uſes as the *Warwickſhire* eſtate ſtands ſettled.
2. An act for naturalizing *William Burnet*, eſq;
3. An act for naturalizing *Peter Silveſtre*, doctor of phyſick.
4. An act for naturalizing *Adelaide* dutcheſs of *Shrewſbury*.
5. An act for exchanging the parſonage houſe, and certain glebe lands belonging to the rectory of *Watton* at *Stone* in the county of *Hertford*, for a certain other houſe and lands of greater value, lying in *Watton* at *Stone* aforeſaid, of and belonging to *Philip Boteler*, eſq;
6. An act to enable Sir *Thomas Cave*, baronet to ſell certain lands in the county of *Northampton*, to raiſe money to pay his brothers and ſiſters portions, and ſettle other lands in the ſaid county of *Northampton*, and county of *Leiceſter*, of better value, to the ſame uſes.
7. An act for confirming an agreement made upon the marriage of *Charles Owen*, eſq; and *Dorothy* his wife, of *Naſh* in the county of *Pembroke*.
8. An act for ſale of part of the eſtate of *James Hamilton*, eſq; a minor, for payment of his debts, and for raiſing portions for younger children, and for making fee farms, and leaſes for lives, during his minority.
9. An act for ſupplying a defect (by the death of a truſtee) in the appointment of proviſions for the younger children of *Henry Smalman*, eſq; deceaſed, and for making the ſaid proviſion more effectual for ſuch younger children.
10. An act to enable *John Edwards*, gentleman, to ſell certain lands in the county of *Norfolk*, for payment of debts.
11. An act to permit the making up of clothes with buttons of cloth, for exportation, for cloathing the army of the allies, notwithſtanding the act againſt cloth buttons.
12. An act for the relief of Sir *Stephen Evence*, knight, and *Henry Corniſh*, eſq;
13. An act for relief of *John Aſgill*, eſq; in relation to his purchaſe of part of the forfeited eſtates in *Ireland*.
14. An act for naturalizing *William Lewis Legrand*.

15. An

15. An act for the relief of colonel *Samuel Veaner*.
16. An act for naturalizing *Jacob Pechillis* and others.
17. An act for enabling *James* duke of *Ormond*, and *Charles* earl of *Arran*, to settle fee farm rents in the county of *Tipparary* in the kingdom of *Ireland*, pursuant to an agreement upon the marriage of the said earl of *Arran*, and for making good several grants made by the said earl in fee farm.
18. An act for vesting the inheritance of a messuage and gardens in *Acton*, in the county of *Middlesex*, purchased by the right honourable *Evelyn* earl of *Kingston* upon *Hull*, in trustees, for the said earl and his heirs.
19. An act for making the exemplification of the will of *Edward* late earl of *Conway*, under the seal of the court of *Chancery*, in the kingdom of *Ireland*, and the depositions relating to the same, evidence on hearings in equity and trial at law.
20. An act to enable *Scrope* lord viscount *Howe* of the kingdom of *Ireland*, to make a certain provision for his daughters by his first wife, that which was intended, being, as expressed in marriage settlement, uncertain and contingent.
21. An act to enlarge the power of *Richard* lord *Bulkeley*, viscount *Cashells* in the kingdom of *Ireland*, of leasing his estate in *Cheshire*, for performance and satisfaction of the trusts upon the said estate.
22. An act for sale of part of the estate of *Henry* lord *Colerane*, baron of *Colerane* in the kingdom of *Ireland*, and supplying the want of inrollment of a deed concerning other part of his estate.
23. An act for the supplying the defect of a common recovery, suffered by *Philip Smith*, esq; viscount *Strangford* of the kingdom of *Ireland*, and *George Smith*, esq; his eldest son, and of the deed which declared the uses of the said recovery.
24. An act for sale of the manor of *Temple Dinsley*, alias *Dinsley*, and other lands in the county of *Hertford*, for the payment of the debts of Sir *Edwin Sadlier*, baronet, and other purposes.
25. An act to enable Sir *John Humble*, baronet, and his trustees, to settle several messuages, lands, and hereditaments, lying in the counties of *Lincoln*, *Surrey*, and *Kent*, pursuant to the articles and agreements made upon his marriage with dame *Sarah* his now wife.
26. An act for vesting the estate of *Richard Bold*, esq; in trustees, to be leased, sold, or mortgaged, for raising the portions, debts, and monies to which the same is liable.
27. An act for vesting certain terms for forty years, in trustees, which were granted by *John Abington*, esq; deceased, and to impower them to grant, renew, and fill up leases, according to the usage of the manor therein mentioned, and for raising portions for the younger children of the said *John Abington*.
28. An act for vesting the equity of redemption of the lands and tenements lying in the county of *Leicester*, late the estate of *John Digby*, esq; deceased, in trustees, to the intent that the same may be sold for the discharging of the mortgages and other incumbrances thereon.
29. An act to impower *Thomas Carey*, and *George Hatley* of *London*, merchants, to import the remainder of a quantity of *French* wines from *Copenhagen*, contracted for before the first day of *January*, one thousand seven hundred and four.
30. An act to enable trustees to make provision for payment of debts of *William Huggessen*, esq; and for raising portions for his younger sons, and for making good the intended set-

ſettlement upon the marriage of *William Huggeſſen* the younger, gent.

31. An act for ſale of lands in the counties of *Southampton* and *Dorſet*, late the eſtate of *Thomas Deane*, eſq; deceaſed, for payment of the debts and legacies charged thereupon, and for other purpoſes therein mentioned.

32. An act for augmenting the number of canons reſidentiary, in the cathedral church of *Litchfield*, and for improving the deanry and prebends of the ſaid cathedral.

33. An act for relief of non commiſſion officers and private ſoldiers of the lord *Drogheda*'s and colonel *Coot*'s regiments.

34. An act for ſale of the manor and eſtate of and in *Hetherſedge* and *Dore* in the county of *Derby*, the eſtate of *Chriſtopher Pegg*, eſq; and mortgaging part of his manor and eſtate of and in *Beauchiff* and *Strawberry Lee* in the ſame county, for raiſing money for payment of debts and incumbrances thereon, and for making proviſion for his family.

35. An act to enable *William Gomeldon*, eſq; to ſell a farm in *Kent*, to diſcharge an incumbrance upon the ſame, and to apply the reſidue of the monies ariſing by ſuch ſale, in payment of the ſaid *William Gomeldon*'s debts.

36. An act for veſting a mortgage of *Humphry Courtney*, eſq; deceaſed, in truſtees, to be ſold to diſcharge the mortgages, debts and incumbrances on the ſaid eſtate.

37. An act for veſting, in truſtees, the eſtate of *Morris Goulſton*, eſq; for the raiſing his ſiſters portions, and payment of debts, and other purpoſes therein mentioned.

38. An act for veſting certain meſſuages and lands in the counties of *Devon* and *Cornwal*, of *Nicholas Row*, eſq; in truſtees, to be ſold, and applying the greateſt part of the purchaſe-money to the uſes of his marriage ſettlement, and the reſidue for payment of debts.

39. An act for the relief of colonel *John Rice*.

40. An act for the removing all doubts touching the ſaving clauſe of one act of parliament, intituled, *An act for veſting divers manors and lands of* Matthew Holworthy, *eſq; in truſtees, to be ſold, and purchaſing other manors or lands of equal value, and limiting the manors or lands to be purchaſed to the ſame uſes, as the lands to be ſold are limited.*

41. An act for ſale of the manor of *Barwick Hall*, and other lands in the county of *Eſſex*, the eſtate of *William Forbes*, eſq; and for purchaſing other lands to be ſettled to the ſame uſes.

42. An act to veſt certain lands and tenements in the counties of *Kent*, the eſtate of *Richard Thornhill*, eſq; in truſtees, to be ſold for the payment of debts, and his ſiſters portions charged thereupon, and for ſecuring the reſidue of the purchaſe money, to the uſes of his marriage ſettlement.

43. An act to enable *John Brett Fiſher*, eſq; and *Judith* his wife, to ſell lands for the payment of his debts, and making proviſion for his wife and children, in caſe they ſhall have any.

44. An act to enable *John Williams*, an infant, notwithſtanding his infancy, to renew a leaſe of the parſonage of *Bugden*, held under one of the prebendaries of the cathedral church of *Lincoln*; and alſo for ſettling the prebend of *Bugden*, as an augmentation for the vicar of *Bugden*, and veſting the eccleſiaſtical juriſdiction of the pariſh of *Bugden* in the biſhop of *Lincoln*.

45. An act for the ſale of lands in the county of *Lincoln*, late the eſtate of *John Stanhope*, eſq; deceaſed, for payment of his debts.

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46. An act for taking the eſtate in law, for a mortgage made by *John Sands*, eſq; which is deſcended to the daughters and coheirs of *John Pargiter*, deceaſed (who are infants) they being only truſtees for *Henry Raper*, merchant.

47. An act to impower the lord high treaſurer of *England*, or commiſſioners of the treaſury for the time being, to compound with *Thomas Thomkins* and *John Chagneau*, and their ſecurities, for the debts owing by them reſpectively to her Majeſty.

48. An act to enable truſtees to ſell ſeveral houſes and lands in and near *Portſmouth*, late the eſtate of *Elizabeth Hicks*, for payment of a debt and intereſt charged thereupon, and for laying out the reſidue of the money in other lands, to be ſettled to the ſame uſes.

49. An act for veſting the freehold and copyhold eſtate of *Thomas Gower*, gent. deceaſed, in truſtees, to be ſold for payment of debts, and ſettling the remainder for the benefit of his daughters.

50. An act for veſting the eſtate of *Valentine Crome* of *Maiden Early* in the county of *Berks*, gent. in truſtees, to be ſold for payment of his father's debts, and making a proviſion for himſelf and brother.

51. An act for the ſale of lands, late of *John Ballet*, gent. deceaſed, for the more ſpeedy payment of his debts, and raiſing portions for his younger children.

52. An act for the more effectual aſſuring of part of the lands of inheritance of *William* and *Thomas Lambard* in the county of *Kent*, purſuant to a deed of ſettlement; and for aſſuring (in lieu of other part thereof) other lands of inheritance therein alſo mentioned, and for better proviſion for younger children.

53. An act for veſting the capital meſſuage and other lands and tenements of *Foulke Wynne*, in the county of *Denbigh*, gent. and *Meredith Wynne* his ſon, in truſtees, to the intent that part thereof may be ſold for payment of his debts, and the reſidue ſettled purſuant to marriage articles.

54. An act for veſting the eſtates of *Chriſtopher Reve* the elder, clerk, deceaſed, and of *Chriſtopher Reve*, clerk, his only ſon, alſo deceaſed, in certain truſtees, to be ſold for the payment of their ſeveral debts and legacies, and for making ſome proviſion for *Dorothy* the widow of the ſaid *Chriſtopher Reve* the ſon, and for *Chriſtopher Reve* his only child, an infant.

55. An act for veſting the eſtate of *Arthur Vaughan* of *Tretherwen*, in the county of *Montgomery*, an infant, in truſtees, to be ſold for payment of ſuch debts and incumbrances, to which the ſame, or the ſaid infant, in reſpect thereof, is liable.

56. An act for veſting the eſtate of *Elizabeth Hore*, in the county of *Bucks*, in truſtees, to be ſold, and the monies ariſing thereby, to be applied for the payment of debts charged thereon.

57. An act for ſale of the manor of *Eſtevening*, and other lands and hereditaments in *Swinſhead*, in the county of *Lincoln*, late the eſtate of *Chriſtopher Fairfax*, gent. deceaſed, for payment of his debts, and benefit of his children.

58. An act for veſting part of the real eſtate of *Ralph Baldwin*, gent. in truſtees, for a proviſion for his younger children.

59. An act for ſettling and ſecuring part of the eſtates of *Robert Barry*, clerk, and *Anne* his wife, for the benefit of the ſaid *Anne* and her children, and ſale of other part of the eſtate of the ſaid *Robert Barry*, for payment of his debts.

60. An act for veſting the ſum of

two

two thouſand pounds in truſtees, to be applied to and for the payment of the debts of *John Holworthy*, gent. purſuant to an agreement with his creditors.

61. An act for the ſale of an advowſon in *Suſſex*, late the eſtate of *Michael Sorocold*, clerk, deceaſed for payment of his debts, and making proviſion for his widow and child.

62. An act for ſale of the eſtate of *John Viccary*, deceaſed, in *Rockbear*, in the county of *Devon*, for payment of his debts charged thereupon, and for maintenance of his widow and children.

63. An act to impower the lord high treaſurer of *England*, or commiſſioners of the treaſury for the time being, to compound with *Francis Clyes*, as ſurety for *William Pennock*, late of *Exon*, merchant, in ſix ſeveral bonds, for duties on tobacco, which the ſaid *William Pennock* had at the port of *Falmouth*, in *December*, one thouſand ſeven hundred and one.

64. An act to rectify a miſtake in, and explain an act paſſed in the laſt ſeſſion, to empower the lord high treaſurer, or commiſſioners of the treaſury, to compound with *Richard Cobb*, eſq; as one of the ſureties for *Thomas Cobb*, gent. receiver general for the county of *Southampton* and *Iſle of Wight*.

65. An act to make the ſhip *L'Amazone*, taken and condemned as a prize, and ſold in the iſland of *Barbadoes* free.

66. An act for naturalizing *Paul*, *Frances*, and *Katharine Kilſty*.

67. An act for naturalizing of *Vincent de Laymerie*, and others.

Anno 5 *Annæ.*

Cap. 1. For granting an aid to her Majeſty, by a land tax, to be raiſed in the year one thouſand ſeven hundred and ſeven.

Cap. 2. For continuing the duties upon malt, mum, cyder and perry, for the ſervice of the year one thouſand ſeven hundred and ſeven.

Cap. 3. For the ſettling the honours and dignities of *John* duke of *Marlborough* upon his poſterity, and annexing the honour and manor of *Woodſtock*, and houſe of *Bleinheim*, to go along with the ſaid honours.

Cap. 4. For ſettling upon *John* duke of *Marlborough* and his poſterity, a penſion of five thouſand pounds *per annum*, for the more honourable ſupport of their dignities, in like manner as his honours and dignities, and the honour and manor of *Woodſtock*, and houſe of *Bleinheim*, are already limited and ſettled.

Cap. 5. For ſecuring the church of *England* as by law eſtabliſhed.

Cap. 6. For repealing a clauſe in an act, intituled, *An act for the better apprehending, proſecuting, and puniſhing felons that commit burglaries, houſe-breaking, or robberies in ſhops, warehouſes, coach-houſes, or ſtables, or that ſteal horſes.*

Cap. 7. For regulating and aſcertaining the duties to be paid by the unfreemen importers of coals into the port and borough of *Great Yarmouth*, in the county of *Norfolk*.

Cap. 8. For an union of the two kingdoms of *England* and *Scotland*.

Cap. 9. For rendring more effectual an act paſſed in the firſt year of her Majeſty's reign, intituled, *An act for the better preventing eſcapes out of the* Queen's Bench *and* Fleet *priſons.*

Cap. 10. For repairing the highway between *Hockliffe* and *Woburne*, in the county of *Bedford*.

Cap. 11. For continuing the acts formerly made for repairing of the highways in the county of *Hertford*.

Cap. 12. For the enlarging the paſſ-

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age leading to *New Palace Yard* through the *Gatehouſe, Weſtminſter.*

Cap. 13. For continuing the duties upon houſes, to ſecure a yearly fund for circulating Exchequer bills, whereby a ſum not exceeding fifteen hundred thouſand pounds is intended to be raiſed, for carrying on the war, and other her Majeſty's occaſions.

Cap. 14. For the better preſervation of the game.

Cap. 15. For the better recruiting her Majeſty's land forces and the marines, for the year one thouſand ſeven hundred and ſeven.

Cap. 16. For continuing an act made in the third and fourth years of her Majeſty's reign, intituled, *An act for puniſhing mutiny and deſertion, and falſe muſters, and for the better payment of the army and quarters.*

Cap. 17. To repeal all the laws prohibiting the importation of foreign lace made with thread.

Cap. 18. For inrolments of bargains and ſales within the *Weſt Riding* of the county of *York*, in the regiſter office there lately provided; and for making the ſaid regiſter more effectual.

Cap. 19. For continuing the duties on low wines, and ſpirits of the firſt extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on ſtamp'd vellum, parchment, and paper, and the late duties on ſweets, and the one third ſubſidy of tonnage and poundage, and for ſettling and eſtabliſhing a fund thereby, and by the application of certain overplus monies, and otherwiſe, for payment of annuities, to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſeven, and other uſes therein expreſſed.

Cap. 20. For the better encouragement of the royal luſtring company.

Cap. 21. For repairing the highway between *Fornhill* in the county of *Bedford*, and the town of *Stony-Stratford* in the county of *Buckingham.*

Cap. 22. To explain and amend an act of the laſt ſeſſion of parliament for preventing frauds frequently committed by bankrupts.

Cap. 23. To ſubject the eſtate of *Thomas Brerewood* to the creditors of *Thomas Pitkin*, notwithſtanding any agreement or compoſition made by the creditors of the ſaid *Thomas Pitkin.*

Cap. 24. For diſcharging ſmall livings from their firſt fruits and tenths, and all arrears thereof.

Cap. 25. For making the acts more effectual for appropriating the forfeited impropriations in *Ireland*, for the building of churches, and augmenting poor vicarages there.

Cap. 26. For repairing the highways between *Shepherds-Shord* and the *Devizes*, and between the top of *Aſhlington Hill* and *Rowd Ford* in the county of *Wilts.*

Cap. 27. For continuing ſeveral ſubſidies, impoſitions, and duties, and for making proviſions therein mentioned, to raiſe money by way of loan for the ſervice of the war, and other her Majeſty's neceſſary and important occaſions; and for aſcertaining the wine meaſure.

Cap. 28. For raiſing the militia for the year one thouſand ſeven hundred and ſeven, notwithſtanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy money.

Cap. 29. For eaſe of her Majeſty's ſubjects in relation to the duties upon ſalt, and for making the like allowances upon the exportation of white herrings, fleſh, oatmeal, and grain called beer *alias* bigg, as are to be made upon exportation of the like from *Scotland.*

Cap. 30. For the better ſecuring her Ma-

Majeſty's purchaſe of *Cotton Houſe* in *Weſtminſter*.

Cap. 31. For the encouraging the diſcovery and apprehending of houſe-breakers.

Cap. 32. For the continuing the laws for the puniſhment of vagrants, and for making ſuch laws more effectual.

Cap. 33. For obliging *John Rice* to account for debentures granted to him in the laſt ſeſſion of parliament.

Cap. 34. For continuing the laws therein mentioned relating to the poor, and to the buying and ſelling of cattle in *Smithfield*, and for ſuppreſſing of piracy.

Private Acts.

Anno 5 Annæ.

1. An act for naturalizing *Maria Margaret* Lady *North and Grey*.
2. An act to enable *Henry Grey*, ſecond ſon of *Richard Nevill*, eſq; to change his name from *Nevill* to *Grey*, according to the will of *Ralph* lord *Grey* deceaſed.
3. An act to make the ſhip called the *Neptune* privateer (a foreign-built ſhip, late bought as a wreck) a free ſhip.
4. An act to make the ſhip *Vigilantia* of *Stad* upon the river of *Elbe* in *Germany* (lately a wreck) a free ſhip.
5. An act for naturalizing *John Tigh*.
6. An act to enable the lord high treaſurer, or commiſſioners of the treaſury, for the time being, to compound with *Benjamin Nicholl*, citizen and late merchant of *London*, and his ſureties, for the debt owing by him to her Majeſty.
7. An act for the relief of Sir *John Mead*, of the kingdom of *Ireland*, knight and baronet.
8. An act for empowering the barons of the court of Exchequer in *Ireland*, to grant a commiſſion to ſome perſons in *England*, to adminiſter to *Thomas Maule*, eſq; remembrancer of the ſaid court, the uſual oaths for the due execution of his office, and to enable him to take the oaths, and ſubſcribe the declaration, in the court of *Chancery* in *England*, inſtead of thoſe requiſite to be taken and ſubſcribed by the laws of *England* and *Ireland*, in order to qualify him to execute the ſaid office.
9. An act for naturalizing *Philip Vanden Enden*, merchant.
10. An act for making the ſhip *Supply* a free ſhip.
11. An act to enable the right honourable *Henry* earl of *Thomond*, an infant, to make a ſettlement of his eſtate upon his marriage (notwithſtanding his infancy) and for other the purpoſes in the ſaid act mentioned.
12. An act for making more effectual a ſettlement made by *William* lord biſhop of *Oxford*, for the benefit of his children.
13. An act for diſcharging ſeveral lands in the county of *Worceſter*, from the ſum of two thouſand pounds, given by the will of dame *Elizabeth Rich*, widow, deceaſed, for charitable uſes, and charging the ſame upon other lands in the county of *Berks*.
14. An act for ſupplying the defect of an appointment for the proviſion of the younger children of *John Canham*, eſq; deceaſed, purſuant to his marriage ſettlement, and for ſettling an eſtate in *Totteridge*, in lieu of thirteen hundred pounds, the remainder of a ſum of money agreed to be laid out in a purchaſe.
15. An act for ſale of ſome part of the eſtate of *Henry Darrel*, eſq; deceaſed, and leaſing or mortgaging other part thereof, to raiſe money to pay his debts charged thereupon, and for making proviſion for his widow and younger children.
16. An act for veſting part of the eſtate

eſtate of *William Fitch*, eſq; lying in the county of *Dorſet*, in truſtees, to be ſold for the payment of his ſiſters portions, and other debts, and for preſerving the reſidue free from all power of waſte, and for ſettling certain tithes in the *Iſle of Wight* to the ſame uſes.

17. An act for enabling *Agnes Lee*, widow, to renew certain leaſes for lives, belonging to *Richard Lee*, her ſon, who is an infant.

18. An act for ſettling the eſtate of *Daniel Thomas*, gent. for the benefit of his wife and children.

19. An act for ſale of certain houſes near *Aldgate* in *London*, late the eſtate of *William Williams*, deceaſed, and for purchaſing lands in lieu thereof.

20. An act to empower the lord high treaſurer of *England*, or commiſſioners of the treaſury for the time being, to compound with *Nathaniel Rich*, eſq; late receiver general for the county of *Eſſex*.

21. An act for the relief of *John Baker*, his mother, brother, and ſiſters, widow and children of col. *Henry Baker*, deceaſed.

22. An act for making the ſhip *Prince* (foreign built) a free ſhip.

23. An act for diſcharging divers manors and lands of *Henry* duke of *Beaufort*, from the portions of his daughters and younger children by his preſent dutcheſs, and for charging other manors and lands of the ſaid duke of greater value with the like portions.

24. An act to enable *Henry Pye*, eſq; to make a jointure.

25. An act for ſale of part of the eſtate of *William Potts*, for diſcharging his brothers and ſiſters portions, and his debts, and for confirming his marriage ſettlement, as to the reſidue of his eſtate, diſcharged of ſuch portions.

26. An act for veſting lands in *Chelſea*, in the county of *Middleſex*, purchaſed of *Charles* lord *Cheney* viſcount *Newhaven* in *Scotland*, in the Queen's majeſty, for the accommodation of *Chelſea College*, and other lands, in *John* lord *Vaughan* earl of *Carbury* in *Ireland*, and his heirs.

27. An act for confirming and eſtabliſhing the partitions made between *William Pierrepoint*, eſq; (ſince deceaſed) and the honourable *Charles Egerton*, eſq; and others of ſeveral manors and lands in the counties of *Suffolk*, *Kent*, and *Surrey*, and to enable *William* and *Samuel Pierrepoint*, infants, to make partition of land in other counties, and to ſell the ſame, and purchaſe other lands to be ſettled to the ſame uſes, and for rectifying a miſtake in the marriage ſettlement of *William Peck*, eſq;

28. An act for veſting in truſtees, a meſſuage and lands in *Ratcliffe Culey*, in the county of *Leiceſter*, to be ſold, upon the ſettling of another eſtate of as great or greater value, to the ſame uſes as the lands to be ſold are ſettled.

29. An act for relief of *Alexander Pendarvis*, eſq; in relation to five thouſand pounds, and intereſt provided for him out of lands in *Ireland*.

30. An act for the better ſupport and maintenance of the miniſter of *Tettenhall*, in the county of *Stafford*, for the time being.

31. An act to veſt certain mills and lands in *Downton*, in the county of *Wilts* (the eſtate of *William Eyre* a lunatick) in truſtees, to be ſold, and for applying part of the monies ariſing by the ſale thereof for payment of the debts of the ſaid lunatick, and making ſome proviſion for *Ambroſe Eyre*, his eldeſt ſon and heir, and for applying the reſidue of ſuch monies in purchaſing of other lands, to be ſettled to the ſame uſes as the ſaid premiſſes to be ſold are now ſettled.

32. An act to enable truſtees to ſell ſeveral lands at *Colegreene* within the manor of *Hertingfordbury*, in the county of *Hertford*, and the manor of the rectory of *Hertingfordbury* aforeſaid, late the eſtate of *Anne Winwood*, deceaſed, for payment of a debt of ſix hundred pounds and intereſt, due upon mortgage and bond, or ſpecialty; and for laying out the reſidue of the money ariſing by ſuch ſale in the purchaſe of other lands or tenements, to be ſettled to the ſame uſes as the ſaid lands are now ſettled.

33. An act for veſting a manſion houſe, and lands thereunto adjoining, in the county of *Middleſex*, the eſtate of *William Hyde*, merchant, in truſtees, to be forthwith ſold for the better maintenance and preſent proviſion for his children.

34. An act to veſt ſeveral lands and hereditaments in the county of *York*, in *Robert Hitch*, eſq; and his heirs, and to ſettle other lands and hereditaments in the ſaid county in lieu thereof, and as an exchange thereof, to the ſame uſes.

35. An act for rectifying a miſtake, and for ſupplying the defects in an act of the third year of her Majeſty's reign, for ſale of the eſtate late of *Edward Baines*, for diſcharge of a mortgage thereupon, and for making proviſion for his daughters.

36. An act for ſale of the eſtate in the county of *Montgomery*, late part of the eſtate of *Gilbert Charlton*, eſq; deceaſed, and for purchaſing other eſtate or eſtates in the counties of *Nottingham*, *Leiceſter*, or *Lincoln*, to be ſettled to the like uſes as the eſtate in the county of *Montgomery* was ſettled.

37. An act for the ſale of certain lands contained in the marriage ſettlement of *Daniel King* and *Jane* his wife, and for purchaſing other lands of the ſame or greater value, to be ſettled to the ſame uſes; alſo for giving liberty to *Jane Nicholl*, widow, and the executors of Sir *William Pritchard*, to pay two ſums of four thouſand pounds, and two thouſand pounds, mentioned in the ſaid ſettlement, in the life-time of the ſaid *Jane Nicholl*.

38. An act for ſale of part of the eſtate of *John Weedon* of *Souldern*, in the county of *Oxon*, eſq; for payment of his father's debts and legacies, and portions to his younger children, and for ſettling the reſt of his eſtate to the uſes of the father's voluntary ſettlement.

39. An act to enable *Thomas Clarke*, an infant, to make a leaſe of a houſe in *St. Mary Axe* in *London*, to Sir *Jeffery Jefferys*, knight.

40. An act for encouraging the rebuilding the antient pariſh church of *Humberſtone*, in the county of *Lincoln*, and ſettling a rent charge of greater value on the biſhop of *Lincoln* and his ſucceſſors, in lieu of the rectory of *Humberſtone*, and for other purpoſes therein mentioned.

41. An act for veſting the reverſion in fee of certain manors and lands, in the county of *Kent*, late the eſtate of *Mountague Drake*, eſq; deceaſed, in truſtees, to be ſold for payment of his debts and legacies.

42. An act for the better diſcovery of the eſtate of *John Aynſworth* late of *London*, merchant.

43. An act to enable the lord high treaſurer, or commiſſioners of the treaſury for the time being, to compound with *John Croſſe*, merchant, and his ſureties, for the debt owing by him to her Majeſty.

44. An act to enable the truſtees of *William Elſon*, an infant, to ſell part of his eſtate for payment of his father's debts on ſpecialties.

45. An act to enable the lord treaſurer, or commiſſioners of the treaſury for the time being, to compound with *John Pye*, gent. and his

his ſureties, for the debt by him and them owing to her Majeſty.

46. An act for the relief of *Elizabeth Wansford*, and *Elizabeth Foulke*.

47. An act for naturalizing *John Themeur*, and others.

48. An act to naturalize *Henry Van Holte*, and others.

Anno 6 *Annæ*.

Cap. 1. For granting an aid to her Majeſty, to be raiſed by a land tax in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and eight.

Cap. 2. For repealing and declaring the determination of two acts paſſed in the parliament of *Scotland*, the one, intituled, *Act for the ſecurity of the kingdom*; the other, *Act anent peace and war*.

Cap. 3. For better ſecuring the duties of *Eaſt India* goods.

Cap. 4. For charging and continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and eight.

Cap. 5. For raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and eight, and other uſes, by ſale of annuities charged on a fund, not exceeding forty thouſand pounds *per annum*, to ariſe by appropriating ſeveral ſurpluſſes, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the ſtampt duties, the one third ſubſidy, the duty on ſweets, and one of the branches of exciſe, and by making other proviſion in this act mentioned.

Cap. 6. For rendering the union of the two kingdoms more entire and complete.

Cap. 7. For the ſecurity of her Majeſty's perſon and government, and of the ſucceſſion to the crown of *Great Britain* in the proteſtant line.

Cap. 8. For encouraging the dreſſing and dying of woollen cloths within this kingdom, by laying a duty upon broad cloth exported white.

Cap. 9. For the exportation of white woollen cloth.

Cap. 10. For the better recruiting her Majeſty's land forces, and the marines, for the ſervice of the year one thouſand ſeven hundred and eight.

Cap. 11. For continuing one half part of the ſubſidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King *Charles* II. and for ſettling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thouſand pounds *per annum*, to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year 1708. and other uſes therein expreſſed.

Cap. 12. To explain the act of the laſt ſeſſion of parliament, for the eaſe of her Majeſty's ſubjects in relation to allowances out of the duties upon ſalt carried coaſtwiſe, and alſo an act of the firſt year of her Majeſty's reign, in relation to certain ſalt-works near the ſea-ſide and bay of *Holyhead* in the county of *Angleſea*.

Cap. 13. For the better ſecuring the trade of this kingdom by cruiſers and convoys.

Cap. 14. For the better ſecurity of her Majeſty's perſon and government.

Cap. 15. To impower her Majeſty to ſecure and detain ſuch perſons as her Majeſty ſhall ſuſpect are conſpiring againſt her perſon or government.

Cap. 16. For repealing the act of the firſt year of King *James* I. intituled,

tuled, *An act for the well garbling of ſpices*; and for granting an equivalent to the city of *London*, by admitting brokers.

Cap. 17. For aſſuring to the *Engliſh* company trading to the *Eaſt Indies*, on account of the united ſtock, a longer time in the fund and trade therein mentioned, and for raiſing thereby the ſum of 1,200,000l. for carrying on the war, and other her Majeſty's occaſions.

Cap. 18. For the more effectual diſcovery of the death of perſons pretended to be alive, to the prejudice of thoſe who claim eſtates after their deaths.

Cap. 19. For continuing the half ſubſidies therein mentioned, with ſeveral impoſitions and other duties, to raiſe money by way of loan, for the ſervice of the war, and other her Majeſty's neceſſary and important occaſions, and for charging of prize goods and ſeizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandeſtine importation of wrought ſilks.

Cap. 20. For continuing an act made in the third year of her Majeſty's reign, intituled, *An act for puniſhing mutiny and deſertion and falſe muſters, and for the better payment of the army and quarters.*

Cap. 21. For the avoiding of doubts and queſtions touching the ſtatutes of divers cathedral and collegiate churches.

Cap. 22. For continuing ſeveral duties therein mentioned, upon coffee, chocolate, ſpices, pictures, and muſlins, and additional duties upon ſeveral of the ſaid commodities, and certain duties upon callicoes, china wares, and drugs; and for continuing the duties called the two third ſubſidies of tonnage and poundage; for preſerving the publick credit; and for aſcertaining the duties of coals exported for foreign parts; and for ſecuring the credit of the bank of *England*; and for paſſing ſeveral accounts of taxes raiſed in the county of *Monmouth*; and for promoting the conſumption of ſuch tobacco as ſhall have paid her Majeſty's duties.

Cap. 23. To make further proviſion for electing and ſummoning ſixteen peers of *Scotland*, to ſit in the houſe of peers in the parliament of *Great Britain*; and for trying peers for offences committed in *Scotland*; and for the further regulating of votes in elections of members to ſerve in parliament.

Cap. 24. For the further directing the payment of the equivalent money.

Cap. 25. To enable her Majeſty to make leaſes and copies of offices, lands, and hereditaments, parcel of her dutchy of *Cornwall*, or annexed to the ſame.

Cap. 26. For ſettling and eſtabliſhing a court of Exchequer in the north part of *Great Britain*, called *Scotland.*

Cap. 27. To enlarge the time for returning the certificates of all eccleſiaſtical livings, not exceeding the yearly value of fifty pounds; as alſo for diſcharging all livings of that value from the payment of firſt fruits; and for allowing time to archbiſhops and biſhops, and other dignitaries, for payment of their firſt-fruits.

Cap. 28. For continuing the act for aſcertaining the tithes of hemp and flax.

Cap. 29. To repeal a clauſe in an act of the ſeventh year of the reign of his late Majeſty, (for amending and repairing the highways) which enjoins waggoners, and others to draw with a pole between the wheel horſes or with double ſhafts, and to oblige them to draw only with ſix horſes, or other beaſts, except up hills.

Cap. 30.

Cap. 30. For aſcertaining the rates of foreign coins in her Majeſty's plantations in *America*.

Cap. 31. For the better preventing miſchiefs that may happen by fire.

Cap. 32. For regulating the qualifications of the elections of the governor, deputy governor, directors, and voters of the governor and company of the bank of *England*.

Cap. 33. For the importation of cochineal from any ports in *Spain*, during the preſent war, and ſix months longer.

Cap. 34. For limiting a time to perſons to come in and make their claim to any of the forfeited eſtates and other intereſts in *Ireland*, ſold by the truſtees for ſale of thoſe eſtates to the governor and company for making hollow ſword blades in *England*, and divers other purchaſers.

Cap. 35. For the publick regiſtring of all deeds, conveyances, wills, and other incumbrances that ſhall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments, within the eaſt riding of the county of *York*, or the town and county of the town of *Kingſton upon Hull*, after the 29th day of *September*, 1708. and for the rendring the regiſter in the weſt riding more compleat.

Cap. 36. For raiſing the militia of this kingdom for the year 1708. altho' the month's pay formerly advanced be not repaid.

Cap. 37. For the encouragement of the trade to *America*.

Private Acts.

Anno 6 *Annæ.*

1. An act for repairing, amending, and enlarging the highways between the town of *Kingſdown Hill* and the city of *Bath*, and alſo ſeveral other highways leading to and through the ſaid city; and for cleanſing, paving, and lighting the ſtreets, and regulating the chairmen there.

2. An act for veſting in *Ralph Freeman*, the younger, eſq; and his heirs, divers manors and lands in the county of *Eſſex*, comprized in his marriage ſettlement, he having ſettled other manors and lands in the county of *Hertford*, of greater value, to like uſes in lieu thereof.

3. An act for naturalizing *Katharine Clarke*, daughter of Sir *William Clarke*, bart. deceaſed.

4. An act for naturalizing *Marcos dos Santos*.

5. An act for making good to *William Thompſon*, eſq; the benefit intended to be granted to his anceſtors, and their heirs, by certain letters patents of King *Charles* II. in lieu of the caſtle of *Scarborough*, and other things by them ſurrendered to and now enjoyed by the crown.

6. An act for erecting a workhouſe in the town and borough of *Plymouth* in the county of *Devon*, and for ſetting the poor on work, and maintaining them there.

7. An act for enlarging the term in an act made in the ſeventh year of his late Majeſty's reign, for repairing the highways between the city of *London* and town of *Harwich* in the county of *Eſſex*.

8. An act for repairing the harbour and key of *Watchet* in the county of *Somerſet*.

9. An act for the more effectual making and keeping the river *Tone* navigable from *Bridgewater* to *Taunton* in the county of *Somerſet*.

10. An act for ſettling the eſtate of *John* now earl of *Exeter*, purſuant to agreements made on the marriage of the ſame earl with *Elizabeth* counteſs of *Exeter* his now wife, ſubject to ſuch alterations as are mentioned herein.

11. An act to ſupply a defect in an act of parliament made in the firſt

year of the reign of her preſent Majeſty Queen *Anne*, intituled, *An act for raiſing* 1500 l. *by mortgage of lands in the county of* Dorſet, *for payment of debts, and for a further proviſion and maintenance of the younger children of* Philip Caldecot, *eſq*;

12. An act to make the ſhip *Ambuſcade* (a *French* privateer taken by her Majeſty's ſhip the *Dover*, and condemned and ſold as a prize) a free ſhip.

13. An act for erecting a harbour and key at *Eaſt Tarbet*, in the ſhire of *Argyle*.

14. An act for the better amendment of that way which leads from *Cheril* through *Calne* to *Studley* bridge in the county of *Wilts*.

15. An act for repairing the highways from *Old Stratford* in the county of *Northampton*, to *Duncburch* in the county of *Warwick*.

16. An act for the reverſal of the attainder of Sir *Henry Bond*, bart. in *Ireland*.

17. An act for making effectual the proviſion intended by *William Bromley*, late of *Holt Caſtle* in the county of *Worceſter*, eſq; for *Dorothy Bromley* his youngeſt daughter.

18. An act for ſelling the eſtate of *Thomas Stephens*, eſq; in the counties of *Cheſter* and *Stafford*, and for ſettling of another eſtate of as great or greater value, in the county of *Glouceſter*, to the ſame uſes.

19. An act for veſting in *Roger Tuckfield*, eſq; ſeveral lands purchaſed for him by Sir *William Davye*, bart. deceaſed.

20. An act for making two large fly boats (*Ruſſia* built) one called the *Thomas and Henry*, the other the *Richard and Jane*, free ſhips to trade to *Ruſſia*.

21. An act for naturalizing *Peter Des Maizeax*, *Francis Heilman*, *John Riſteau*, *Peter Bouvot*, and others.

22. An act to enable the right honourable the counteſs of *Bindon*, together with the right honourable *Henry* earl of *Bindon*, her now huſband, to make leaſes of the manor and town of *Carlowe* in the county of *Catherlagh*, and *Queen's County* in the kingdom of *Ireland*, and for the evidencing of the ſettlements made by *Henry* late earl of *Thomond*.

23. An act for veſting the equity of redemption of the manor and capital meſſuage of *Great Haſeley*, with the appurtenances, and divers meſſuages, farms, and lands in *Haſeley* and *Latchford* in the county of *Oxford*, late the eſtate of *William Lenthall*, eſq; deceaſed (in truſtees) to be ſold for diſcharging of incumbrances thereupon.

24. An act for veſting ſeveral meſſuages, houſes, lands, and tenements, in the county of *Dublin*, in the kingdom of *Ireland*, formerly the eſtate of *Thomas Boyd*, eſq; in a truſtee, to be ſold for the payment of the debts of *Letice* late counteſs of *Kilmarnock*, deceaſed, and for raiſing portions for the younger children of the ſaid counteſs.

25. An act to veſt the eſtate of *Edward Cheek*, eſq; deceaſed, in *Somerſetſhire*, remaining unſold at his death, in truſtees, to be ſold to ſatisfy the demands of the lady *Ruſſel*, his mother, and *Eſſex Cheek* his ſiſter, and to veſt the remainder of the monies ariſing by ſale of the ſaid eſtate, in the purchaſe of other lands, to be ſettled on *Edward Cheek*, an infant, and his heirs.

26. An act to enable Sir *William Wyndham* of *Orchard Wyndham* in the county of *Somerſet*, bart. to make a marriage ſettlement, and for other purpoſes therein mentioned, during his minority.

27. An act for explaining and amending a proviſo and power for enabling Sir *John Wentworth*, bart. and his brothers, to make a wife a jointure.

28. An

28. An act to enable Sir *Ralph Milbank*, bart. to make a jointure and settlement upon such woman as he shall marry, as if he were of full age.

29. An act for sale of the manor of *Swinden*, and several messuages, lands, and hereditaments in the county of *York*, late part of the estate of *Christopher Lister*, esq; and after of *Thomas Lister*, esq; both deceased, for payment of the legacies and debts of the said *Christopher Lister*, and a mortgage of the said *Thomas Lister*.

30. An act to impower the lord high treasurer of *Great Britain*, or commissioners of the treasury, to compound with *Richard Parke*, citizen and late merchant of *London*, for a debt due to her Majesty.

31. An act for the sale of a piece of ground, late of *John Killingworth*, esq; deceased, on which stood several old and decayed tenements, and applying the purchase-money for the benefit of his wife and daughters.

32. An act for vacating the settlement made upon the marriage of *Henry Mayne*, and for making a reasonable provision for the maintenance of his only son (who is an ideot) during his life.

33. An act for sale of part of the estate of *James Hamilton*, esq; deceased.

34. An act for the relief of col. *Richard Sutton*, and other *Aids de Camp*.

35. An act for the relief of capt. *James Roch*.

36. An act for the relief of lieutenant colonel *John Savery*.

37. An act for naturalizing *John Affleck*, esq; and *Mary Dutry*.

38. An act for naturalizing *Peter Dubordieu*, and others.

Anno 7 Annæ.

Cap. 1. For granting an aid to her Majesty, to be raised by a land tax in *Great Britain*, for the service of the year 1709.

Cap. 2. For the speedy and effectual recruiting her Majesty's land forces and marines, for the service of the year 1709.

Cap. 3. For charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year 1709.

Cap. 4. For punishing mutiny and desertion and false musters, and for the better payment of the army and quarters.

Cap. 5. For naturalizing foreign protestants.

Cap. 6. For explaining and making more effectual that part of an act passed in the fifth year of her present Majesty's reign, concerning the buying and selling of cattle in *Smithfield*, and for giving leave for bringing up calves dead to *London*, as formerly.

Cap. 7. For enlarging the capital stock of the bank of *England*, and for raising a further supply to her Majesty, for the year 1709.

Cap. 8. For continuing several impositions and duties, to raise money by way of loan; and for exporting *British* copper and brass wire duty free; and for circulating a further sum in Exchequer bills, in case a new contract be made in that behalf; and concerning the oaths to be administred in relation to *Italian* thrown silks; and touching oils and plantation goods of foreigners, taken or to be taken as prize; and concerning drugs of *America*, to be imported from her Majesty's plantations; and for appropriating the monies given in this session of parliament; and for making out debentures for two transport ships in this act named; and to allow a further time for registring certain debentures; and for relief of persons who have lost such tickets, Exchequer bills, debentures, tallies,

or

or orders, as in this act are mentioned.

Cap. 9. For giving the commiſſioners of ſewers for the city of *London*, the ſame powers as the commiſſioners of ſewers for counties have; and to oblige collectors for the ſewers to account.

Cap. 10. For rendring more effectual the laws concerning commiſſions of ſewers.

Cap. 11. For aſcertaining and directing the payment of the allowances to be made for or upon the exportation from *Scotland* of fiſh, beef, and pork, cured with foreign ſalt imported before 1 *May* 1707. and for diſpoſing ſuch ſalt ſtill remaining in the hands of her Majeſty's ſubjects there, and for aſcertaining and ſecuring the allowances for fiſh and fleſh exported and to be exported from *Scotland*, for the future.

Cap. 12. For preſerving the privileges of ambaſſadors, and other publick miniſters of foreign princes and ſtates.

Cap. 13. For the better aſcertaining the lengths and breadths of woollen cloth made in the county of *York*.

Cap. 14. For the better preſervation of parochial libraries in that part of *Great Britain* called *England*.

Cap. 15. For altering *Whitſuntide* and *Lammas* terms for the court of *Exchequer* in *Scotland*.

Cap. 16. To prevent the laying of wagers relating to the publick.

Cap. 17. For making more effectual an act made in the ſixth year of her Majeſty's reign, for the better preventing of miſchiefs that may happen by fire.

Cap. 18. To preſerve the rights of patrons to advowſons.

Cap. 19. To enable infants who are ſeiſed or poſſeſſed of eſtates in fee, in truſt, or by way of mortgage, to make conveyances of ſuch eſtates,

Cap. 20. For the publick regiſtring of deeds, conveyances, and wills, and other incumbrances which ſhall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments, within the county of *Middleſex*, after the 29th of *September*, 1709.

Cap. 21. For improving the union of the two kingdoms.

Cap. 22. For the Queen's moſt gracious, general, and free pardon.

Cap. 23. For raiſing the militia for the year 1709, although the month's pay formerly advanced be not repaid.

Cap. 24. For continuing the former act for the encouragement of coinage, and to encourage the bringing foreign coins, and *Britiſh* or foreign plate, to be coined, and for making proviſion for the mints in *Scotland*, and for the proſecuting offences concerning the coin in *England*.

Cap. 25. For making perpetual an act for the better preventing the counterfeiting the current coin of this kingdom; as alſo an act for giving like remedy upon promiſſory notes, as is uſed upon bills of exchange, and for the better payment of inland bills of exchange; and alſo for continuing ſeveral acts made in the fourth and fifth years of her Majeſty's reign, for preventing frauds committed by bankrupts.

Cap. 26. For appointing commiſſioners to treat and agree for ſuch lands, tenements, and hereditaments as ſhall be judged proper to be purchaſed for the better fortifying *Portſmouth*, *Chatham*, and *Harwich*.

Private Acts.

Anno 7 Annæ.

1. An act for continuing an act made in the firſt year of her Majeſty's reign, intituled, *An act for the rebuilding and repairing of the piers of the*

the town and port of Whitby *in the county of* York.

2. An act for naturalizing *Charlotta Chriſtiana* lady *Duffus*.

3. An act to enable *Edward Sainthill* (late *Edward Yard*) eſq; to change his firname from *Yard* to *Sainthill*, according to the will of *Samuel Sainthill*, eſq; deceaſed.

4. An act for continuing an act made in the ſeventh and eighth years of the reign of his late majeſty King *William*, intituled, *An act for repairing the highways between* Wymondham *and* Attleborough *in the county of* Norfolk, and for including therein the road leading from *Wymondham* to *Hetherſett*, over the commons belonging to the ſaid towns.

5. An act for preſerving and enlarging the harbour of *Whitehaven*, in the county of *Cumberland*.

6. An act for building a church or chapel in the town of *Mancheſter* in the county of *Lancaſter*.

7. An act to enable *Anne Crewe* (late *Offley*) widow, and *John Crewe* (late *Offley*) her ſon and heir apparent, to change their firnames from *Offley* to *Crew*, according to the ſettlement of *John Crew*, eſq; deceaſed.

8. An act for veſting in truſtees the reverſion of ſeveral lands and tenements expectant on leaſes for lives, the eſtate of *Hugh Stafford* of *Pynes* in the county of *Devon*, eſq; to be ſold for payment of debts, and by diſcharging his power of leaſing, to ſecure other lands to come into poſſeſſion to his ſon in lieu thereof.

9. An act to enable *William Collins*, clerk, *Thomas Parrat*, and *William Day*, gent. to diſpoſe of certain lands, for the payment of the debts of *John Granger*, and for making proviſion for the widow and younger children of *Nicholas Granger*, his late father, deceaſed.

10. An act for further enabling *George Penne*, eſq; to ſell lands for payment of his debts, by enlarging a truſt for that purpoſe contained in a former act, intituled, *An act to enable* George Penne, *eſq; to ſell lands for the payment of his debts, and other purpoſes therein mentioned.*

11. An act for naturalizing *Lewis de Roſſet*, *Peter Brozet*, and others.

12. An act for repairing and improving of *Morriſon's Haven*, and the fort there, in the ſhire of *Eaſt Lothian*, alias *Hadington*.

13. An act for building a pariſh church, and parſonage houſe, and making a new church-yard, and a new pariſh in *Birmingham*, in the county of *Warwick*, to be called the pariſh of St. *Philip*.

14. An act for veſting in *John* duke of *Newcaſtle* and his heirs, certain lands belonging to the vicarage of *Waleſby*, in the county of *Nottingham*, in the lieu of an annual rent of 10 *l. per An.* payable to the vicar of the ſaid vicarage, and his ſucceſſors for ever.

15. An act to veſt the eſtates which came to the right honourable *Other* earl of *Plymouth*, by his mother, in truſtees, to be ſold for raiſing money to pay off the debts charged upon his paternal eſtate, and to enable him to cut coppices.

16. An act for the explaining and making more effectual an act made *Anno primo Annæ Reginæ*, intituled, *An act giving further time to* John *lord biſhop of* Chicheſter, *and his ſucceſſors, to make leaſes of certain houſes and ground in and near* Chancery Lane, *belonging to the biſhoprick of* Chicheſter.

17. An act to explain a clauſe in a ſtatute made in the 27th year of the reign of King *Henry* VIII. enabling tenants in tail in poſſeſſion, to make jointures to wives, and enlarging the ſame, ſo as *Richard* lord *Willoughby de Broke*, and others, tenants in tail in poſſeſſion, may make

make jointures to the wives of their eldeſt ſons or grandſons.

18. An act for veſting ſome part of the eſtate in the county of *Lincoln*, included in the marriage ſettlement of the right honourable *William Powlett*, eſq; commonly called lord *William Powlett*, in truſtees, to be ſold for the raiſing money to diſcharge an incumbrance fallen on the ſame, by virtue of a decree of the high court of *Chancery*; and to confirm an agreement made by the ſaid lord *William Powlett*, with the right honourable the counteſs dowager of *Bridgwater*, and the executor of the late duke of *Bolton*, deceaſed, relating to ſuch incumbrance.

19. An act for veſting the barony of *Wem*, and manors of *Wem* and *Loppington*, and ſeveral lands and tenements in the county of *Salop*, and the manors of *Dolby* and *Broughton*, and lands thereto belonging in the county of *Leiceſter*, and the manor of *Fulmer*, and ſeveral lands and tenements in the county of *Bucks*, late the eſtate of *George* late lord *Jefferies*, deceaſed, in truſtees, to be ſold for payment of debts and portions, and other purpoſes therein mentioned.

20. An act to enable the honourable *William Cecil*, eſq; with others, to ſell lands for the payment of ſeveral debts charged upon his eſtate by the right honourable *John* late earl of *Exeter*, deceaſed, his late father.

21. An act for veſting in truſtees the fourth part of a fourth part (being the ſhare of Sir *Roger Braidſhaigh*, bart. of the eſtate of the late counteſs of *Oxford*, to be ſold to pay portions and debts, and with the remainder of the money ariſing by ſuch ſale, to purchaſe other lands to be ſettled to the ſame uſes as his paternal eſtate is by his marriage ſettlement.

22. An act to reverſe the outlawry and attainder of *Chriſtopher* lord baron of *Slane* in *Ireland*.

23. An act for veſting divers manors, meſſuages, lands, and tenements of *John Lacy*, eſq; in the counties of *Eſſex*, *Cambridge*, and *Middleſex*, in truſtees, to be ſold for payment of his debts, making proviſion for his children unprovided for, and other purpoſes therein mentioned.

24. An act for veſting the ſite, capital meſſuage, or farm of the manor of *South Stoke*, and lands thereunto belonging, in the county of *Somerſet*, late the eſtate of *John Gay*, gent. deceaſed, in truſtees, to be ſold for the ſpeedier payment of his debts, and better performance of the truſts therein mentioned.

25. An act to empower the lord high treaſurer of *Great Britain*, or commiſſioners of the treaſury, to compound with the ſureties of *Samuel Pacey*, deceaſed, late receiver general for the county of *Suffolk*.

26. An act to enable the lord high treaſurer, or commiſſioners of the treaſury for the time being, to compound with *William Mallett*, eſq; for the debt of his father, for whom he was ſurety while receiver general of the county of *Somerſet*, and city of *Briſtol*.

27. An act for better eſtabliſhing certain charities of *John Pierrepont*.

28. An act for veſting the eſtate of *Gideon Haydon*, eſq; deceaſed, lying in the county of *Devon*, in truſtees, to be ſold for the payment of the debts wherewith it ſtands incumbred, and ſettling the overplus to the uſes in his marriage ſettlement limited and declared.

29. An act for the better performance of the will of *Stephen Harvey*, eſq; deceaſed, and making proviſion for his children.

30. An act for the reverſal of the outlawry of *Eleanor Bagot*, the wife of *John Bagot*.

31. An act to enable *William How* of *Somerton Early*, in the county of *Somerſet*, eſq; to ſell the manor and

farm

farm of *Gunvile-Eaſtbury, alias Tarrant-Gunvile*, in the county of *Dorſet*, and ſeveral meſſuages, lands, tenements and hereditaments in *Gunvile-Eaſtbury, alias Tarrant-Gunvile* aforeſaid, and to ſettle other lands and hereditaments of greater value to the ſame uſes to which the ſaid manor and premiſſes in *Gunvile-Eaſtbury, alias Tarrant-Gunvile*, now ſtand limited, in lieu thereof.

32. An act to enable *John Elye*, eſq; to raiſe monies out of his eſtate to pay his debts, and for ſettling the reſidue thereof, together with the eſtate of *Elizabeth* his wife, to the uſes intended by his marriage ſettlement.

33. An act for ſale of certain lands and annuities late the eſtate of *John Coldham*, of *Tootin Graveney*, eſq; deceaſed, for raiſing of portions for his grand children, according to his will.

34. An act to make the ſhips, the *Barclay Caſtle*, and *James*, of *Montroſe*, free ſhips.

35. An act for the payment of the debts of Sir *John Bolles*, bart. a lunatick.

36. An act to enable *Thomas Bulkley*, gent. to ſell part of the eſtate comprized in his marriage ſettlement, to pay off debts which were precedent to, and do affect the ſaid ſettlement.

37. An act for the relief of the noncommiſſion officers and ſoldiers of the reſpective companies of the three regiments of col. *Thomas Handaſyde*, col. *John Liveſay*, and lieutenant general *Erle*, and of the four independent companies at *New York* in *America*.

38. An act for annexing the rectory or parſonage of *Haſely* in the county of *Oxon*, to the deanary of the King's free chapel of *St. George* within his caſtle of *Windſor*, and for veſting the advowſon of the rectory and parochial church of *St. Mary, alias North Church Barkhamſtead*, in the county of *Hertford*, in the dean and canons of the King's free chapel of *St. George* within his caſtle of *Windſor*, in lieu thereof.

39. An act to enable *James Stopford*, eſq; to ſell lands in the county of *Nottingham*, for payment of debts and portions.

40. An act for confirming a term of five hundred years, created by *Richard Minſhul*, eſq; and his truſtees, for ſecuring the payment of 8000 l. and intereſt.

41. An act for the relief of the earl of *Clanriccard* (lately called lord *Bophin*) of the kingdom of *Ireland*, in relation to his eſtate, and for the more effectual ſelling or ſettling the eſtate of the ſaid earl to proteſtants.

42. An act to explain an act made in the firſt year of her Majeſty's reign, intituled, *An act to oblige* Edward Whitaker *to account for ſuch ſums of publick money, as hath been received by him.*

43. An act to enable *Anthony Stafford*, gent. to ſell or mortgage ſome part of his lands and hereditaments in the counties of *Derby* and *Cheſter*, for the payment of his father's debts and his own, and the better ſettling and ſecuring the reſt for the benefit of his wife and family.

44. An act for veſting the equity of redemption of the manor of *Backwell*, in the county of *Somerſet*, in truſtees, to be ſold purſuant to the will of *Caroletta Nettles*, deceaſed, and a decree in chancery.

The END *of the* TABLE.

THE STATUTES at Large, &c.

Anno ſecundo & tertio ANNÆ *Reginæ.*

AT *the parliament begun at* Weſtminſter *the twentieth day of* Auguſt, Anno Dom. 1702. *in the firſt year of the reign of our ſovereign lady* Anne, *by the grace of God, of* England, Scotland, France, *and* Ireland, *Queen, defender of the faith,* &c. *And from thence continued by ſeveral prorogations and adjournments to the ninth day of* November, 1703, [a] *being the ſecond ſeſſion of this preſent parliament.*

[a] *In the record it is* 13 Apr. 3 Annæ.

CAP. I.

An act for granting an aid to her Majeſty by a land tax, to be raiſed in the year one thouſand ſeven hundred and four. EXP. 4 *s. in the pound.*

CAP. II.

An act for granting an aid to her Majeſty, by continuing the duties upon malt, mum, cyder, and perry, for one year. EXP.

CAP. III.

An act for granting an aid to her Majeſty, for carrying on the war, and other her Majeſty's occaſions, by ſelling annuities at ſeveral rates, and for ſuch reſpective terms or eſtates as are therein mentioned.

Moſt gracious Sovereign,

WHEREAS *by an act of parliament made in the twelfth year of the reign of our late ſovereign lord King* William *the Third, of bleſſed memory, intituled,* An act for appropriating three thouſand ſeven hundred pounds weekly, out of certain branches of exciſe, for publick uſes, and for making a proviſion for the ſervice of his Majeſty's houſhold and family, and other his neceſſary occaſions, *it was (amongſt other things) enacted, That from and after the five and twentieth day of* December, *one thouſand ſeven hundred, for and during the term of five years from thence next enſuing, the full, clear, and entire weekly ſum of three thouſand ſeven hundred pounds, of lawful* Engliſh *money, out of all the monies ariſing by the hereditary rates and duties of exciſe upon beer, ale, and other liquors, which were granted to the crown in the twelfth year of the reign of*

12 W. 3. c. 12.

See 1 Geo. 1. ſtat. 1. c. 1. ſ. 4.

12 Car. 2. c. 23.

THE STATUTES at Large, &c.

Anno ſecundo & tertio ANNÆ *Reginæ.*

AT *the parliament begun at* Weſtminſter *the twentieth day of* Auguſt, Anno Dom. 1702. *in the firſt year of the reign of our ſovereign lady* Anne, *by the grace of God, of* England, Scotland, France, *and* Ireland, *Queen, defender of the faith,* &c. *And from thence continued by ſeveral prorogations and adjournments to the ninth day of* November, 1703, [a] *being the ſecond ſeſſion of this preſent parliament.*

[a] *In the record it is* 13 Apr. 3 Annæ.

CAP. I.

An act for granting an aid to her Majeſty by a land tax, to be raiſed in the year one thouſand ſeven hundred and four. EXP. *4 s. in the pound.*

CAP. II.

An act for granting an aid to her Majeſty, by continuing the duties upon malt, mum, cyder, and perry, for one year. EXP.

CAP. III.

An act for granting an aid to her Majeſty, for carrying on the war, and other her Majeſty's occaſions, by ſelling annuities at ſeveral rates, and for ſuch reſpective terms or eſtates as are therein mentioned.

Moſt gracious Sovereign,

WHEREAS *by an act of parliament made in the twelfth year of the reign of our late ſovereign lord King* William *the Third, of bleſſed memory, intituled,* An act for appropriating three thouſand ſeven hundred pounds weekly, out of certain branches of exciſe, for publick uſes, and for making a proviſion for the ſervice of his Majeſty's houſhold and family, and other his neceſſary occaſions, *it was (amongſt other things) enacted, That from and after the five and twentieth day of* December, *one thouſand ſeven hundred, for and during the term of five years from thence next enſuing, the full, clear, and entire weekly ſum of three thouſand ſeven hundred pounds, of lawful* Engliſh *money, out of all the monies ariſing by the hereditary rates and duties of exciſe upon beer, ale, and other liquors, which were granted to the crown in the twelfth year of the reign of*

12 W. 3. c. 12. See 1 Geo. 1. ſtat. 1. c. 1. ſ. 4. 12 Car. 2. c. 23.

King Charles *the Second, and by the duties of exciſe payable during the ſaid late King* William's *life, and by every or any of them, if all thoſe duties of exciſe ſhould ſo long continue; and if the ſaid duties of exciſe, payable during his ſaid late Majeſty's life, ſhould happen to determine before the end of the ſaid term of five years, then out of the monies ariſing entirely by the ſaid hereditary duties of exciſe, for and during all the reſidue which ſhould be then to come and unexpired of the ſaid term of five years, ſhould be brought and paid into the receipt of the Exchequer by weekly payments, and in ſuch manner and form as in the ſaid act are particularly mentioned, for the purpoſes in the ſaid act expreſſed: and it is thereby further enacted, That in lieu and diſcharge of certain perpetual annual payments, and of all arrears thereof granted by his late majeſty King* Charles *the Second to the reſpective patentees therein named, the ſaid hereditary revenue of exciſe ſhould, from and after the twenty ſixth day of* December, *one thouſand ſeven hundred and five, be and ſtand charged for ever with the payment of annual ſums after the rate of three pounds* per centum per annum, *to be paid as by the ſaid act is directed, and ſubject to ſuch power of redemption as in the ſaid act is expreſſed:*

1 Annæ, ſtat. 1. c. 7.

II. *And whereas by an act of parliament made in the firſt year of your Majeſty's reign, intituled,* An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown, *it is (amongſt other things) enacted, That the duties of exciſe which had been granted to his ſaid late majeſty King* Charles *the Second, during his life, and afterwards to King* William *and Queen* Mary, *during their lives, and the life of the ſurvivor of them (except as therein is excepted) and a certain duty upon vinegar, ſhall be levied and paid to your Majeſty, during your life (which God preſerve) and the ſame, together with the ſaid hereditary duties of exciſe, are thereby ſubjected to the ſaid weekly payment of three thouſand ſeven hundred pounds, in the manner therein mentioned, during the ſaid term of five years; and it was thereby further declared, That from and after the expiration of the ſaid term of five years, ſo much money as, together with the ſaid payments after the rate of three pounds* per centum per annum, *ſhould make up the ſum of three thouſand ſeven hundred pounds for every week, during your Majeſty's life, ſhould and might be taken out of the ſaid hereditary duties of exciſe, and out of the ſaid duties of exciſe granted for your Majeſty's life, and either or any of them, and the ſaid payments, after the rate of three pounds* per centum per annum, *being deducted out of the hereditary part thereof, the reſidue of the ſaid three thouſand ſeven hundred pounds a week ſhould be applied and diſpoſed of, to and for the publick uſe and ſervice, as by the ſaid ſeveral acts (relation being thereunto reſpectively had) may more fully appear.*

III. Now we your Majeſty's moſt dutiful and loyal ſubjects the commons of *England* in parliament aſſembled, being deſirous by the moſt eaſy means that are poſſible to raiſe the money which is neceſſary for carrying on the preſent war, and ſupplying your Majeſty's important occaſions, do cheerfully and unanimouſly grant unto your Majeſty a further aid to ariſe by contributions for annuities to be purchaſed in the manner and form

form herein after mentioned; and do humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *December*, in the year of our Lord one thouſand ſeven hundred and five, the ſaid full, clear, and entire weekly ſum of three thouſand ſeven hundred pounds, out of all the monies ariſing by the ſaid hereditary duties of exciſe, and by the ſaid duties of exciſe payable during her Majeſty's life, and by every and any of them, according to the tenor and direction of the act of parliament above recited in that behalf, and from and after her Majeſty's deceaſe, then the like full, clear, and entire weekly ſum of three thouſand ſeven hundred pounds of lawful *Engliſh* money, out of all the monies to ariſe by the ſaid hereditary duties of exciſe, and every or any of them, from time to time for ever, ſhall be brought and paid by the commiſſioners, farmers, receiver and receivers general for the time being of the ſaid ſeveral duties of exciſe (who are hereby required and enjoined to bring and pay the ſame accordingly) into the receipt of the Exchequer diſtinctly and ſeparately from all other monies whatſoever, that are or ſhall be payable by them into the ſaid receipt, the ſaid weekly ſum or payment of three thouſand ſeven hundred pounds, to be brought and paid into the ſaid receipt upon *Wedneſday*, in every week, if it be not an holiday, and if it be, then upon the next day that is not an holiday, for the purpoſes in this act expreſſed; and in caſe in any week or weeks the whole receipt of the monies of the ſaid ſeveral branches or duties of exciſe hereby charged as aforeſaid, ſhall not be ſufficient to anſwer the weekly payment or payments hereby directed for ſuch particular week or weeks, that then and ſo often the deficiency and deficiencies thereof ſhall be ſupplied and made good out of the whole receipt of the ſaid particular branches of exciſe, and every or any of them, ariſing in the next week or weeks, when the receipt or receipts ſhall be ſufficient to bear the ſame.

Aid granted from 25 *December*, 1705.

IV. And it is hereby further enacted by the authority aforeſaid, That the commiſſioners of exciſe for the time being, at their head office in *London*, ſhall from time to time ſeparate and keep apart all the monies ariſing by the ſaid particular branches of exciſe herein before mentioned, as the ſame ſhall from time to time ariſe or be paid into the ſaid office of exciſe by the receivers or collectors of the ſame, or by any other perſon or perſons whatſoever, and ſhall out of the monies ſo ariſing make the ſaid weekly payments into the Exchequer, for the uſes in this act mentioned.

Monies ariſing by the ſaid branches of exciſe to be kept apart, and paid weekly into the Exchequer.

V. And be it further enacted, That if the ſaid commiſſioners of exciſe for the time being ſhall refuſe or neglect to pay or cauſe to be paid into the Exchequer the ſaid weekly ſums hereby appointed, or ſhall divert or miſapply any part of the monies which ſhould make good the ſame, then they and every of them

Penalty on nonpayment.

ſo offending ſhall forfeit their ſeveral offices and places, and be incapable to ſerve the Queen, her heirs or ſucceſſors, in any office or place of truſt or profit, and ſhall be liable for every ſuch offence to pay double the value of the money ſo diverted or miſapplied, to any perſon or perſons who will inform or ſue for the ſame, by action of debt, or of the caſe, bill, ſuit or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be granted or allowed.

Comptroller of exciſe to keep a diſtinct account of the monies.

VI. And be it enacted, That the comptroller of the exciſe for the time being ſhall keep a perfect and diſtinct account, in a book or books fairly written, of all the monies which ſhall ariſe by the ſaid particular branches of exciſe, out of which the ſaid weekly payments are to be made as aforeſaid, as the ſame ſhall from time to time ariſe or be raiſed (to which books all perſons concerned ſhall at all reaſonable times have free acceſs, without fee or charge) and ſuch comptroller in default thereof ſhall forfeit his office or place, and be rendred incapable as aforeſaid, and ſhall alſo forfeit and loſe the ſum of two hundred pounds for every ſuch default, to any perſon or perſons who will inform or ſue for the ſame as is before mentioned.

Penalty.

Monies to be entred apart.

VII. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in the office of the auditor of the receipt of the Exchequer one book, in which all the monies which ought to be paid in weekly as aforeſaid, for or upon account of the ſaid weekly ſums out of the ſaid particular branches of exciſe, and which ſhall be brought to the ſaid receipt, ſhall be entred apart and diſtinct from all other monies paid into the ſaid receipt on any other account whatſoever.

Annual ſums how to be paid.

VIII. And it is hereby further enacted, That out of the money of the ſaid hereditary duties of exciſe, ariſing in or by ſuch weekly payments at the Exchequer as aforeſaid, the ſaid annual ſums, after the rate of three pounds *per centum per annum*, preſcribed by the ſaid act, made in the parliament holden in the twelfth year of the reign of his ſaid late majeſty King *William* the Third, ſhall be ſatisfied and paid according to the directions therein contained, and ſubject to the power of redemption therein mentioned; and alſo out of all the monies of the ſaid ſeveral branches of exciſe, ariſing in or by the ſaid weekly payments, the ſeveral annuities to be purchaſed in purſuance of this act, ſhall be paid and ſatisfied, from and after the ſaid five and twentieth day of *December*, in the year of our Lord one thouſand ſeven hundred and five, for and during the then reſidue and remainder of the ſeveral and reſpective terms and eſtates, which by virtue of this act ſhall be purchaſed of and in ſuch annuities reſpectively; and that all the reſt and reſidue of the monies ariſing by the ſaid weekly payments, and which at the end of every year, reckoning the firſt year to begin from the ſaid five and twentieth day of *December*, in the year of our Lord one thouſand ſeven hundred and five, ſhall remain, after ſatisfying or reſerving ſufficient to ſatisfy all the payments which

ſhall

ſhall be then incurred or grown due, as well for and upon the ſaid annual ſums after the rate of three pounds *per centum per annum*, as alſo for and upon all the ſaid annuities to be purchaſed upon this act, ſhall be applied and diſpoſed of to and for the publick uſe and ſervice, and not otherwiſe.

IX. And for the raiſing any ſum or ſums of money, not exceeding one million eighteen thouſand eight hundred ſixty and ſeven pounds, eighteen ſhillings, and ſix pence; that is to ſay, nine hundred thouſand pounds thereof for carrying on the preſent war, and other her Majeſty's occaſions, and one hundred and eighteen thouſand eight hundred ſixty and ſeven pounds, eighteen ſhillings, and ſix pence, reſidue thereof, for making good the quarterly payments herein after mentioned, to incur and grow due on and before the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five; it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, to contribute, advance and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times by this act limited in that behalf, any ſum or ſums of money for or towards the ſaid ſum of one million eighteen thouſand eight hundred ſixty and ſeven pounds, eighteen ſhillings, and ſix pence, for purchaſing any annuity or annuities, to be ſatisfied as in this act is mentioned, for and during the full term of ninety nine years to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and four, at the rate of fifteen years purchaſe; which rate doth amount to the ſum of one hundred and fifty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity: and the ſame rate or conſideration-money is hereby appointed to be paid into the ſaid receipt, at or before the reſpective days and times herein after mentioned, that is to ſay, one third part thereof on or before the firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and four; one other third part thereof on or before the four and twentieth day of *June*, in the ſaid year of our Lord one thouſand ſeven and four; and the remaining third part thereof, on or before the nine and twentieth day of *September*, in the ſaid year of Lord one thouſand ſeven hundred and four. And the ſaid annuities ſo to be purchaſed, and every of them, ſhall be paid and payable, from time to time, at the four moſt uſual feaſts of the year, that is to ſay, the feaſt of the nativity of Saint *John Baptiſt*, Saint *Michael* the archangel, the birth of our Lord Chriſt, and the annunciation of the bleſſed virgin *Mary*, by even and equal portions, the firſt payment thereof to be made at or for the feaſt of the nativity of Saint *John Baptiſt*, in the year of our Lord one thouſand ſeven hundred and four; which ſaid annuities ſhall, for the firſt year, and three quarters of a year, of the ſaid term of ninety nine years, be ſatisfied and paid out of the monies to be advanced in purſuance of this

Perſons may advance 1,018,867l. 18s. 6d. for purchaſing annuities for 99 years.

at 15 years purchaſe,

to be paid into the Exchequer, one third part on 1 May, 1704. one other third part on 24 June, 1704. and the other third part on 29 Sept. 1704.

annuities ſo purchaſed how and when to be paid.

By 6 Geo. 1. c. 4. ſ. 1. *the* South Sea *company may take in theſe annuities.*

act, whereof ſufficient ſhall be reſerved for that purpoſe; and for all the reſt and reſidue of the ſaid term of ninety nine years, the ſaid annuities, and every of them, ſhall be paid and ſatisfied out of the monies ariſing by the weekly payments of exciſe money before mentioned.

For raiſing a further ſum of 300,000l.

X. And for the raiſing any further ſum and ſums of money, not exceeding three hundred thouſand pounds, for carrying on the ſaid war, and other her Majeſty's occaſions, and alſo for raiſing ſuch monies as ſhall be neceſſary to diſcharge the quarterly payments, which during one year and three quarters of a year, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four, ſhall or may grow due upon the other annuities to be purchaſed, as is herein after mentioned; it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, to contribute, advance, and pay into the ſaid receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times, and by ſuch proportions, as are before in this act appointed for payment of the purchaſe monies for the annuities firſt above mentioned, any ſum and ſums of money for purchaſing any annuity or annuities for one life, at the rate of nine years purchaſe, or for two lives, at the rate of eleven years purchaſe, or for three lives, at the rate of twelve years purchaſe, or for ſuch a certain term of ninety nine years, as aforeſaid, at the rate of fifteen years purchaſe, at the election of ſuch purchaſers reſpectively; which ſaid rates do amount to the ſum of ninety pounds for an annuity of ten pounds *per annum* for one life, and to the ſum of one hundred and ten pounds for an annuity of ten pounds *per annum* for two lives, and the ſum of one hundred and twenty pounds for an annuity of ten pounds *per annum* for three lives, and to the ſum of one hundred and fifty pounds for an annuity of ten pounds *per annum* for the certain term of ninety nine years before mentioned, and proportionably for any greater annuities ſo to be purchaſed for ſuch eſtates or intereſts reſpectively.

Perſons may purchaſe annuities for one life at 9 years purchaſe, for two lives at 11 years purchaſe, three lives at 12 years purchaſe, or for 99 years at 15 years purchaſe.

Annuities to commence from 25 Mar. 1704. and to be paid quarterly.

XI. And it is hereby enacted, That all the ſaid annuities ſo to be purchaſed for life, lives, or years, at the election of the purchaſer, as aforeſaid, ſhall likewiſe commence from the ſaid five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and four, and ſhall be paid and payable at the ſaid receipt of Exchequer, at the four uſual feaſts before mentioned, by even and equal portions, the firſt payment thereof to be alſo made at or for the ſaid feaſt of the nativity of Saint *John Baptiſt*, in the year of our Lord one thouſand ſeven hundred and four.

How the quarterly payments from 25 Mar. 1704. to 25 Dec. 1705. ſhall be paid, &c.

XII. And be it enacted by the authority aforeſaid, That all the quarterly payments which ſhall or may incur or grow due for or upon the annuities laſt mentioned, within the ſaid time of one year, and three quarters of a year, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand

ſeven

ſeven hundred and four, until and for the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, ſhall be ſatisfied and paid out of the monies to be advanced for purchaſing the ſame annuities upon this act, whereof ſufficient ſhall be reſerved for that purpoſe; and all quarterly payments which ſhall incur and grow due for or upon the ſame annuities laſt mentioned, and every of them, from and after the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, during the continuance of the reſpective terms and eſtates ſo to be purchaſed therein, ſhall be paid and ſatisfied out of the monies ariſing by the weekly payments of exciſe money before mentioned.

When the contributions ſhall amount to 1,200,000l. &c. no more ſhall be received at the Exchequer.

XIII. Provided always, That when the contributions upon this act ſhall amount in the whole to one million two hundred thouſand pounds, for carrying on the ſaid war, and her Majeſty's occaſions, and to ſo much more as ſhall or may be neceſſary to diſcharge all the ſaid annuities, until the five and twentieth day of *December*, one thouſand ſeven hundred and five inclusively, then no further contributions ſhall be received at the ſaid Exchequer for purchaſing annuities upon this act.

Contributor for one life may name the life of the ſame contributor, or any other, who ſhall be intitled to ſuch annuity.

XIV. And it is hereby further enacted, That where any contributor ſhall advance money, at the reſpective rate aforeſaid, for an eſtate for one life, as aforeſaid, every ſuch contributor, his executors, adminiſtrators or aſſigns, ſhall and may name to the auditor of the receipt, and clerk of the pells, for the time being, or to either of them, the life of the ſame contributor, or any other life (at his or her election) during which, every ſuch contributor, or ſuch as he or ſhe ſhall appoint, his, her, or their executors, adminiſtrators, and aſſigns reſpectively, ſhall be intitled to every ſuch annuity, according to the true meaning of this act; and that where any contributor ſhall advance money at the reſpective rate aforeſaid, for an eſtate for two lives, every ſuch contributor, his executors, adminiſtrators, or aſſigns ſhall and may name to the ſaid auditor of the receipt and clerk of the pells for the time being, or either of them, two perſons or nominees (whereof himſelf or herſelf, if he or ſhe thinks fit, may be one) during whoſe lives, and the life of the ſurvivor of them, every ſuch contributor, or ſuch as he or ſhe ſhall appoint, his, her, or their executors, adminiſtrators, and aſſigns reſpectively, ſhall be intitled to every ſuch annuity, according to the true meaning of this act; and that where any contributor ſhall advance money at the reſpective rate aforeſaid, for an eſtate for three lives, every ſuch contributor, his or her executors, adminiſtrators, or aſſigns, ſhall and may name to the ſaid auditor of the receipt, and clerk of the pells, for the time being, or either of them, three perſons or nominees (whereof himſelf or herſelf, if he or ſhe think fit, may be one) during the lives of which nominees, and of the ſurvivors and ſurvivor of them, every ſuch contributor, or ſuch as he or ſhe ſhall appoint, his, her, and their executors, adminiſ-

Contributor advancing for two lives, may name two nominees, &c. and for three lives, three nominees, &c.

adminiſtrators, and aſſigns reſpectively, ſhall be intitled to every ſuch annuity, according to the tenor and true meaning of this act.

Lives to be named by the contributors, by 1 May, 1704.

XV. Provided always, That all the ſaid lives ſhall be named by the ſeveral contributors, their executors or adminiſtrators, or ſuch as ſhall be employed by them to pay in the ſaid purchaſe-monies, on or before the ſaid firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and four.

Contributors names, &c. to be entred in the offices of the auditor and clerk of the pells.

Books to be inſpected without fee.

XVI. And it is hereby enacted, That in the offices of the ſaid auditor of the receipt, and clerk of the pells ſeverally, there ſhall be provided and kept a book or books, in which ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums, and alſo the ſeveral ſums ſo paid, and the times when the ſame are reſpectively paid, and the ſeveral nominees for whoſe lives reſpectively the ſaid annuities for life or lives are to continue; to which book it ſhall be lawful for the reſpective contributors, their executors, adminiſtrators, and aſſigns, from time to time, and at all ſeaſonable times, to have reſort, and to inſpect the ſame without fee or reward; and as well the ſaid ſeveral contributors for life, lives, or years, as the ſaid nominees for life or lives, ſhall be deſcribed in the ſaid books by their chriſtian and ſurnames, additions, and places of abode, and other deſcriptions which ſhall beſt aſcertain the perſons.

Contributors paying their purchaſe-money, to enjoy the annuities ſo purchaſed,

XVII. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, duly paying the conſideration or purchaſe-money after the reſpective rates aforeſaid, at or before the reſpective days and times in this act before limited in that behalf, for any annuity or annuities for ſuch term of years, or eſtate for life or lives, as aforeſaid, according to the true meaning of this act, or ſuch as he, ſhe, or they ſhall appoint, his, her, or their reſpective executors, adminiſtrators, and aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy the reſpective annuity and annuities ſo to be purchaſed, out of the monies ariſing and to ariſe, as aforeſaid, for and during all and every ſuch term of years, for life, or lives reſpectively, and that all the annuities to be purchaſed on this act, for any term, eſtate, or intereſt whatſoever, ſhall be free from all taxes, charges, and impoſitions whatſoever.

free from taxes;

and ſhall have tallies for the ſame,

XVIII. And be it further enacted by the authority aforeſaid, That every contributor upon any part of this act for any of the annuities aforeſaid, his, her, or their executors, adminiſtrators, or aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, at the reſpective rates in this act before appointed, or any part or proportion thereof, within the time or times by this act limited in that behalf, ſhall immediately have one or more talley or tallies levied, importing the receipt of ſo much conſideration-money as ſhall be ſo paid for or in part of the ſaid reſpective ſums to be raiſed, as aforeſaid,

ſaid, and upon payment of all the purchaſe-money for any ſuch annuity or annuities, as aforeſaid, at the rate by this act appointed, every ſuch contributor reſpectively, his or her reſpective executors, adminiſtrators, or aſſigns, ſhall have an order for payment of ſuch annuity and annuities, for and during ſuch reſpective term, eſtate, or intereſt, as he, ſhe, or they ſhall or ought to have therein, as aforeſaid; which order ſhall be ſigned by the treaſurer and under treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being; and after the ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any treaſurer or under treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office or offices of them or any of them, nor ſhall any lord high treaſurer of *England*, treaſurer of the Exchequer, or any commiſſioners of the treaſury, now or for the time being, have power to revoke, countermand, or make void ſuch orders ſo ſigned, as aforeſaid, or any of them.

and orders for repayment.

No lord treaſurer, &c. to revoke the ſame.

XIX. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the ſums by them intended to be advanced upon any of the terms aforeſaid, it is provided and enacted by the authority aforeſaid, That every ſuch contributor, who ſhall advance and pay into the ſaid receipt of Exchequer, all or any part of the purchaſe-money payable for any ſuch annuity or annuities, as aforeſaid, before the ſaid firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and four, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be allowed and paid, out of the contribution-money ariſing by this act, intereſt after the rate of five pounds *per centum per annum*, for the prompt payment of the money ſo advanced, from the time of the actual advancing and paying the ſame, until the ſaid firſt day of *May*, one thouſand ſeven hundred and four.

Contributors to be allowed 5l. per cent. intereſt for prompt payment,

until 1 May, 1704.

XX. And be it further enacted, That it ſhall and may be lawful to and for any contributor, his or her executors, adminiſtrators, or aſſigns, at any time or times, during the continuance of his or her term, eſtate, or intereſt, of and in any annuity to be purchaſed upon this act, by any writing under hand and ſeal, or by his or her laſt will in writing, to aſſign or deviſe ſuch annuity and annuities, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*; and no ſuch aſſignment to be revokable, ſo as an entry or memorandum of aſſignment or will be made in books to be kept for that purpoſe in the ſaid office of the auditor of the receipt, within the ſpace of two months after ſuch aſſignment or death of the deviſor, and that upon the producing ſuch aſſignment, or will, or probate thereof, in the ſaid office of receipt, to be entred as aforeſaid, the party ſo producing the ſame,

Annuities may be aſſigned or deviſed.

Entry thereof to be made on affidavit.

ſame, ſhall bring therewith an affidavit, taken before ſome perſon authorized to take affidavits in cauſes depending in any the courts at *Weſtminſter*, of the due execution of the ſaid aſſignment or will, which affidavits ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum the ſaid officers in the ſaid receipt of the Exchequer are hereby required to make accordingly, and to file the ſaid affidavits, and in default of ſuch aſſignment or deviſe, by deed or will, the intereſt of ſuch contributor (not being ſuch as is to determine by his or her death) ſhall go to his or her executors or adminiſtrators.

Affidavits to be filed.

In default of aſſignment, &c. intereſt of contributors to go to his executors, &c.

XXI. And it is hereby enacted, That every eſtate of and in any annuity to be purchaſed upon this act, ſhall be deemed a perſonal eſtate, and (if the ſame be not ſuch annuity as is to depend upon the contributor's own life) ſhall go to his executors and adminiſtrators, and not be deſcendable to the heir.

Annuities to be deemed a perſonal eſtate, &c.

XXII. And be it further enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe or benefit of ſuch infant, to advance and pay the ſum of one hundred and fifty pounds of the money of ſuch infant, to purchaſe any annuity upon this act for the benefit of ſuch infant; and the ſaid guardian and truſtee, as to the ſaid ſum of one hundred and fifty pounds ſo advanced, is hereby diſcharged.

Guardians to infants may advance 150l. &c. to purchaſe an annuity, &c. and be diſcharged for ſo much.

XXIII. And to the intent and purpoſe that all deceits in receiving any payment upon any of the ſaid annuities to be purchaſed for life or lives as aforeſaid, may be prevented; be it enacted by the authority aforeſaid, That every contributor, for any of the ſaid annuities for life or lives, his or her executors, adminiſtrators or aſſigns, upon his or her demanding of any quarterly payment, upon ſuch his or her annuity (unleſs the nominee appear in perſon at the ſaid receipt) ſhall produce a certificate of the life of his or her reſpective nominee, ſigned by the miniſter and churchwardens of the pariſh where ſuch nominee ſhall be then living, upon the day when the ſaid quarterly payment ſhall become due (if ſuch nominee ſhall be then reſiding in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*) which certificate the ſaid miniſter and churchwardens are hereby required to make without fee or reward; or otherwiſe it ſhall and may be lawful to and for every contributor, his or her executors, adminiſtrators and aſſigns, at his, her or their election, to make oath of the truth of his, her or their reſpective nominee's life, upon the day when the ſaid payment ſhall become due, before any one or more juſtices of the peace of the reſpective county, riding, city, town, or place, wherein ſuch perſon, at the time of making the ſaid oath, ſhall reſide; which oath he or they are hereby impowered to adminiſter: and the ſaid juſtice or juſtices ſhall make a certificate thereof, for which oath and certificate no fee or reward ſhall be received: and the ſaid certificates ſhall be filed in

Contributors to produce a certificate of the life of nominee, &c. ſigned by the miniſter and church wardens,

without fee; otherwiſe to make oath of nominee's life.

Juſtices to make a certificate thereof, &c.

in the ſaid office of the receipt of Exchequer: and if any perſon ſhall be guilty of a falſe oath, or forging any certificate, touching the premiſſes, and be thereof lawfully convicted, he or ſhe ſhall incur the puniſhment to be inflicted upon perſons who commit wilful and corrupt perjury.

Penalty on perſon guilty of a falſe oath or forging certificate, &c.

XXIV. And be it further enacted, That in caſe any nominee for life or lives ſhall, at the time of ſuch demand of any quarterly payment, be reſident in *Scotland*, or beyond the ſeas, and any one or more of the barons of the Exchequer for the time being ſhall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a ſummary way) it doth ſeem probable to him or them that the ſaid nominee is living (which certificate is to be given, and examination made, without fee or reward) the ſaid certificate being filed as aforeſaid, ſhall be a ſufficient warrant for the making of ſuch quarterly payment to the reſpective contributor, his or her executors, adminiſtrators or aſſigns.

Certificate, that nominee, reſident in Scotland, or beyond ſea, is living, to be ſufficient for making payment.

XXV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall receive any one or more quarterly payments, upon any of the ſaid annuities purchaſed for one or more lives as aforeſaid, for any time beyond the death of his, her or their nominee, when the ſame ought to ceaſe, ſuch perſon ſhall be obliged to repay the ſum, ſo by him or her received, into the receipt of Exchequer; and if the ſame were obtained, either by forging any certificate of the life of ſuch nominee, or by bringing any one to the ſaid receipt of Exchequer, to perſonate his or her appearance, every ſuch perſon ſo fraudulently getting the ſaid money, and every perſon ſo produced as aforeſaid, ſhall forfeit treble the ſum ſo received, to be recovered by action of debt, in any of her Majeſty's courts of record at *Weſtminſter*, by any perſon who ſhall ſue for the ſame; in which action no eſſoin, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed: and moreover, the ſaid perſons ſo fraudulently getting the ſaid money, and the perſons produced as aforeſaid, and all other partakers in ſuch forgery or fraud, ſhall be further puniſhed for the ſame, according to the laws of this realm.

Perſons receiving any quarterly payment after the death of nominee, ſhall be obliged to repay the ſame.

Penalty on perſons obtaining the ſame fraudulently.

XXVI. And be it further enacted, for the better encouraging perſons to advance the ſaid ſeveral ſums on this act, That all receipts and iſſues, and all other things directed by this act to be performed in the Exchequer, ſhall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity or reward for the ſame; and in caſe any of the officers of the Exchequer ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the ſaid weekly ſums to be paid into the receipt of the Exchequer, or any part of the monies which ſhould make good the payment of the ſaid annuities, or ſhall pay or iſſue out of the ſame otherwiſe than according to

All receipts and iſſues in the Exchequer ſhall be made without fee.

Penalty on officer taking fee, or miſapplying the weekly ſums or not making entries.

to the intent of this act, or ſhall not keep books and regiſters, and make entries, and do and perform all other things, which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for the future incapable of any office or place of truſt whatſoever, and ſhall anſwer and pay treble damages with coſts of ſuit to every contributor or perſon who ſhall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of reſtraint, or more than one imparlance, ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery ſhall have his full coſts; one third part of which ſum, ſo to be recovered for damages, ſhall be to the uſe of her Majeſty, her heirs and ſucceſſors; and the other two third parts, with the coſts, ſhall be to the uſe of the proſecutor: and in caſe there ſhall be any colluſion or faint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators, or aſſigns, to bring another action, wherein he ſhall recover as aforeſaid, to the uſes aforeſaid.

Treble damages.

Plaintiff on recovery to have full coſts.

In caſe of faint proſecution, contributor may bring another action.

Officer making payment on certificate, ſhall not incur any penalty, &c.

XXVII. Provided always, and be it enacted, That in caſe any officer of the Exchequer ſhall make any quarterly payment or payments upon ſuch certificate as is before directed, ſuch officer ſhall not incur any penalty, forfeiture, or diſability for doing thereof, although the ſaid certificate be forged or falſe, or the ſaid nominee be dead, unleſs the ſaid officer did know, at the time of ſuch payment, that the ſaid nominee was dead, or that the ſaid certificate was forged or falſe.

Contributors to certify the death of nominees,

XXVIII. And be it further enacted, That every contributor for life or lives, as aforeſaid, his or her executors, adminiſtrators, or aſſigns, within one month after notice of the death of any his or their reſpective nominee or nominees, ſhall certify ſuch death to the auditor of the receipt of Exchequer for the time being, and within three months after notice of the determination of his, her, or their annuity or annuities, by the death or deaths of his, her, or their nominee or nominees, ſhall deliver, or cauſe to be delivered up, to the ſaid auditor, his or their talley and order, by which he or they were or was intitled, during the life of ſuch nominee or nominees, to receive ſuch annuity or annuities, in caſe ſuch talley and order be in his or their hands or power, and in default thereof, ſuch contributor, his or her executors, adminiſtrators, and aſſigns, ſhall forfeit the ſum of ten pounds, to be recovered by action of debt, as aforeſaid, and to be had and received to the uſe of any perſon who ſhall ſue for the ſame.

and deliver up their tallies, &c. in 3 months after deceaſe.

Penalty.

Monies appropriated for payment of the annuities.

XXIX. And it is hereby enacted and declared, That ſo much of the monies ariſing by the ſaid weekly payments out of the ſaid branches of exciſe, as ſhall be ſufficient, from time to time, to diſcharge the ſaid annuities from and after the

the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, during the continuance of the ſaid annuities reſpectively, and ſo much of the ſaid contribution-money to be advanced on this act, as ſhall be ſufficient to diſcharge all the payments which ſhall or may grow due on the ſaid annuities, from the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and four, until and for the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and five inclusively, ſhall be appropriated and applied, and are hereby appropriated to and for the payment of the ſaid annuities, according to the true meaning of this act, and ſhall not be divertible or diverted to any other uſe, intent, or purpoſe whatſoever, under ſuch penalties, forfeitures, and diſabilities, as are before mentioned.

One third part of the purchaſe money to be paid by 1 May 1704.

XXX. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe or obtain, any annuity upon this act, for any term, eſtate, or intereſt whatſoever, unleſs the whole, or one third part of the conſideration money for the ſame, at ſuch reſpective rate, as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer, on or before the ſaid firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and four.

Contributors not paying the two other parts within the times limited,

XXXI. Provided alſo, That in caſe any ſuch contributor, as aforeſaid, who ſhall on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and four, have advanced one third part only of his or her purchaſe money, his or her executors, adminiſtrators, or aſſigns, do not advance and pay into the receipt of Exchequer, one other third part of his or her conſideration money, ſo to be paid for ſuch reſpective annuity or annuities, as aforeſaid, on or before the ſaid twenty fourth day of *June*, in the year of our Lord one thouſand ſeven hundred and four; and the remaining third part thereof on or before the ſaid twenty ninth day of *September*, in the ſame year of our Lord one thouſand ſeven hundred and four; then, and in every ſuch caſe reſpectively, no order ſhall be drawn or ſigned for ſuch reſpective annuity for which the conſideration money ſhall not be fully paid, as aforeſaid, but ſo much of the conſideration money as ſhall have been actually paid into the Exchequer for ſuch reſpective annuity, ſhall be forfeited and loſt to her Majeſty, her heirs and ſucceſſors, and be applied, together with other the monies to be raiſed by this act, for the purpoſes aforeſaid; any thing in this act contained to the contrary notwithſtanding.

ſuch monies, ſo paid in, to be forfeited, &c.

Allowances to officers and clerks, &c.

XXXII. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for the lord treaſurer, or commiſſioners of the treaſury for the time being, out of any the monies of the ſaid weekly payments, to reward the officers and clerks in the Exchequer to be employed in the payment of the ſaid annuities, or any of them, for their labour, pains, and ſervice therein reſpectively, in ſuch proportions as to the lord treaſurer, or commiſſioners of the treaſury for the time being,

ſhall

ſhall ſeem meet and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding.

If ſo many contributions be not made by 1 May, 1704, as will raiſe 1,200,000l. &c.

XXXIII. Provided always, and be it enacted by the authority aforeſaid, That if ſo many contributions upon this act, for ſuch annuities as aforeſaid, ſhall not be made on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and four, as ſhall be ſufficient (together with the ſeveral parts or proportions of the purchaſe money then remaining to be paid at or before ſuch ſeveral days or times, as aforeſaid) to raiſe the ſaid whole ſum of one million and two hundred thouſand pounds, over and above the money neceſſary to diſcharge ſuch annuities as ſhall be purchaſed, until the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five inclufively, as aforeſaid; then immediately from and after the ſaid firſt day of *May*, one thouſand ſeven hundred and four, it ſhall and may be lawful to and for her Majeſty, her heirs or ſucceſſors, or her or their officers in the receipt of Exchequer, by command or appointment of her Majeſty, her heirs or ſucceſſors, to borrow and take into the ſaid receipt of Exchequer, of or from any perſon or perſons, natives or foreigners, bodies politick or corporate (who have hereby power and authority to lend and advance the ſame) for the ſervice of carrying on the ſaid war, and other her neceſſary occaſions, any ſum or ſums of money, which, together with the whole amount of all the conſideration or purchaſe monies, paid or to be paid, in ready money or by proportions, as aforeſaid, for the ſaid annuities, ſhall not exceed in the whole the ſaid ſum of one million and two hundred thouſand pounds, beſides ſo much as ſhall be neceſſary to diſcharge the purchaſed annuities, until and for the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, as aforeſaid; which loans ſhall be regiſtred and repaid in courſe, according to the dates of the tallies, and intereſt ſhall be allowed for the ſaid loans after the rate of ſix pounds *per centum per annum*, and payable quarterly; and the principal and intereſt of the ſaid loans ſhall be charged upon, and payable out of, all the monies, which ſhall ariſe by the ſaid weekly payments, over and above ſo much as will be ſufficient to ſatisfy the ſaid annual payments, after the rate of three pounds *per centum per annum*, to the ſaid patentees, and thoſe claiming under them, and over and above ſo much as ſhall be ſufficient to ſatisfy ſo many annuities as ſhall have been actually purchaſed upon this act: and that tallies of loan ſhall be levied for the monies ſo lent, and orders ſhall be drawn and ſigned for repayment of the ſame, with ſuch intereſt as aforeſaid, according to the courſe of the Exchequer; and that ſuch orders, or any part thereof, ſhall be aſſignable, ſuch aſſignments being firſt entred in the office of the auditor of the ſaid receipt; and that no monies ſo to be lent ſhall be chargeable with any taxes, rates, or impoſitions; and all the monies ariſing by the ſaid weekly payments out of the ſaid branches of exciſe (over and above ſo much as will be ſufficient to ſatisfy the ſaid annual payments, after the rate of three

Queen, &c. may borrow ſo much as will make up the 1,200,000. &c.

Intereſt allowed.

Tallies and orders for repayment, &c.

Monies ſo lent not to be taxed.

three pounds *per centum per annum*, and ſo many annuities as ſhall have been actually purchaſed upon this act, as aforeſaid) ſhall be applied and appropriated, and the ſame are hereby appropriated to and for the repayment of the ſaid loans in courſe, with ſuch intereſt as aforeſaid, unto ſuch perſon or perſons, natives or foreigners, bodies politick or corporate, who ſhall lend or advance the ſame, as aforeſaid, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns reſpectively, without any fee or charge whatſoever, and ſhall not be diverted or be divertible to any other uſe or purpoſe whatſoever, under the like penalties and forfeitures as are by this act preſcribed for diverting or miſapplying any of the money that ought to be applied to the payment of the ſaid annuities: and in caſe all the monies ſo to be borrowed, with the intereſt thereof, ſhall not be repaid by or before the five and twentieth day of *December*, one thouſand ſeven hundred and ſix, then the remainder thereof ſhall be ſatisfied out of the next aids to be granted by parliament, after the ſame five and twentieth day of *December*, one thouſand ſeven hundred and ſix.

Weekly payments, &c. appropriated for repayment,

without fee.

Monies not repaid by 25 Dec. 1706. how ſatisfied.

CAP. IV.

An act for the publick regiſtring of all deeds, conveyances, and wills, that ſhall be made of any honors, manors, lands, tenements, or hereditaments, within the West Riding *of the county of* York, *after the nine and twentieth day of* September, *one thouſand ſeven hundred and four.*

WHEREAS *the* Weſt riding *of the county of* York *is the principal place in the* North *for the cloth manufacture, and moſt of the traders therein are freeholders, and have frequent occaſions to borrow money upon their eſtates for managing their ſaid trade, but for want of a regiſter find it difficult to give ſecurity to the ſatisfaction of the money lenders (although the ſecurity they offer be really good) by means whereof the ſaid trade is very much obſtructed, and many families ruined:* for the remedying whereof may it pleaſe your moſt excellent Majeſty, at the humble requeſt of the juſtices of the peace, gentlemen, and freeholders of the ſaid *Weſt riding*, that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That a memorial of all deeds and conveyances, which from and after the nine and twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and four, ſhall be made and executed, and of all wills and deviſes in writing made or to be made and publiſhed, where the deviſor or teſtator ſhall die after the ſaid nine and twentieth day of *September*, of or concerning, and whereby any honors, manors, lands, tenements, or hereditaments in the ſaid *Weſt riding*, may be any way affected in law or equity, may, at the election of the party or parties concerned, be regiſtred in ſuch manner as is herein after

Farther proviſions relating hereto by 5 Annæ, c. 18. *and* 6 Annæ, c. 35. ſ. 34.

A memorial of all deeds and conveyances made after 29 Sept. 1704. and of all wills, &c. made in the Weſt riding of Yorkſhire,

may be regiſtred.

after directed; and that every deed or conveyance that ſhall, at any time after any memorial is ſo regiſtred, be made and executed of the honors, manors, lands, tenements, or hereditaments, or any part thereof, comprized or contained in any ſuch memorial, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs ſuch memorial thereof ſhall be regiſtred as by this act is directed, before the regiſtring of the memorial of the deed or conveyance under which ſuch ſubſequent purchaſer or mortgagee ſhall claim; and that every deviſe by will of the honors, manors, lands, tenements, or hereditaments, or any part thereof, mentioned or contained in any memorial ſo regiſtred, as aforeſaid, that ſhall be made and publiſhed after the regiſtring of ſuch memorial, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs a memorial of ſuch will be regiſtred in ſuch manner as is herein after directed.

Regiſter's office to be kept at Wakefield.

II. And for ſettling and eſtabliſhing a certain method, with proper rules and directions for regiſtring ſuch memorials, as aforeſaid, be it further enacted by the authority aforeſaid, That one publick office for regiſtring ſuch memorials of and concerning any honors, manors, lands, tenements and hereditaments, that are ſituate, lying, and being within the ſaid *Weſt riding*, ſhall be eſtabliſhed and kept at *Wakefield*, the neareſt market town to the center or middle of the ſaid *Weſt riding*, to be managed and executed by a fit and able perſon, to be from time to time elected and appointed in manner herein after directed, or his ſufficient deputy, and to continue in the ſaid office for ſo long time as he ſhall well demean himſelf therein.

Regiſter to be elected by ballotting.

Manner of Election.

III. And be it enacted by the authority aforeſaid, That all elections of a regiſter to be made or appointed by virtue of this act, ſhall be performed by ballotting in manner following (that is to ſay) all the freeholders that at the time of any ſuch election have an eſtate of freehold, of or in any lands, tenements, or hereditaments within the ſaid *Weſt riding*, of the yearly value of one hundred pounds (to be determined by the oath of the elector, before the ſcrutators herein after-mentioned, if any doubt ariſe touching the ſame, which oath they are hereby impowered to adminiſter) ſhall be electors of the ſaid regiſter; and that the juſtices of the peace for the ſaid *Weſt riding*, in that behalf aſſembled, or the major part of them, or any five of ſuch juſtices to be appointed by ſuch major part, ſhall be ſcrutators of the ballot; who ſhall meet on the day and place of election, and there, in the preſence of the electors, ſhall place one or more glaſs veſſels to be provided for that purpoſe, into which each elector preſent ſhall put one open paper, containing the name of ſuch perſon as he approves of to be regiſter: which papers ſhall be taken out again in the preſence of the ſaid ſcrutators, by a perſon by them in that behalf appointed; and the name or names of every perſon therein ſhall be once tranſcribed in diſtinct columns, and under each name ſhall be ſet down the number

ber of their electors, which ſhall be deliberately caſt up by the ſaid ſcrutators, and the ſame ſhall be read over in the hearing, and fixt up in the view, of the electors then preſent; and the perſon upon whom the majority ſhall fall, ſhall be declared regiſter.

Time of electing the firſt regiſter.

IV. And be it enacted by the authority aforeſaid, That the election of a perſon to be the firſt regiſter, ſhall be made at the next general quarter ſeſſions of the peace to be holden for the ſaid *Weſt riding*, after the feaſt of *Eaſter*, in the ſaid year of our Lord one thouſand ſeven hundred and four, in open court, on the ſecond day of the ſaid ſeſſions, between the hours of nine in the morning, and three in the afternoon.

Upon death, &c. of regiſter a new one to be choſen.

V. And be it enacted by the authority aforeſaid, That when and as often as the ſaid office ſhall become vacant by the death, forfeiture, or ſurrender of any ſuch regiſter, the juſtices of the peace for the ſaid *Weſt riding*, aſſembled at the general quarter ſeſſions of the peace, next after ſuch vacancy ſhall happen, or the major part of them, ſhall in open court declare the ſaid vacancy, and by order of the ſame ſeſſions ſhall appoint and prefix a certain day and time, within the ſpace of one calendar month, and above three weeks enſuing the end of ſuch general quarter ſeſſions, for the electors to aſſemble at *Wakefield* aforeſaid, to chooſe a fit and able perſon, in the manner aforeſaid, to ſupply the ſaid vacancy: and to the intent that all perſons qualified to be electors, may have due notice of ſuch vacancy, and time of election of a ſucceeding regiſter, the clerk of the peace for the time being for the ſaid *Weſt riding* ſhall forthwith cauſe copies of ſuch order, for the prefixing the time of ſuch election, to be delivered to the reſpective chief conſtables of the ſeveral wapentakes within the ſaid *Weſt riding*, who ſhall and are hereby required to publiſh the ſame in full market in every market town within their ſeveral wapentakes, on the next market day after the receipt thereof, and to affix the ſame in the moſt publick place of reſort there.

During the vacancy, executors of regiſter to appoint a perſon to execute the office.

VI. And be it enacted by the authority aforeſaid, That upon the death of any ſuch regiſter, and until another election of a perſon to execute that office ſhall be made in manner aforeſaid, the executors and adminiſtrators of the regiſter deceaſed, together with the ſureties for the ſaid regiſter, or their executors and adminiſtrators, ſhall appoint a proper perſon to execute the office of regiſter, for whoſe demeanor in the execution of the ſaid office the ſecurity given for ſuch regiſter deceaſed ſhall be anſwerable.

How memorials ſhall be written and directed, &c.

VII. And be it further enacted by the authority aforeſaid, That all and every memorials, ſo to be entred or regiſtred, ſhall be put into writing, in vellum or parchment, and directed to the regiſter of the ſaid office; and in caſe of deeds and conveyances, ſhall be under the hand and ſeal of ſome or one of the grantors, or ſome or one of the grantees, his or their guardians or truſtees, atteſted by two witneſſes, one whereof to be one of the witneſſes to the execution of ſuch deed or conveyance;

Deeds and conveyances.

which witneſs ſhall, upon his oath before the ſaid regiſter, or his deputy, prove the ſigning and ſealing of the ſaid memorial, and the execution of the deed or conveyance mentioned in ſuch memorial; and in caſe of wills, the memorials ſhall be under the hand and ſeal of ſome or one of the deviſees, his or their guardians or truſtees, atteſted by two witneſſes, one whereof ſhall, upon his oath before the ſaid regiſter or his deputy, prove the ſigning and ſealing of ſuch memorial; which reſpective oaths the ſaid regiſter or his deputy is hereby impowered to adminiſter.

Wills.

What every memorial of any deed, conveyance, or will ſhall contain.

VIII. And be it further enacted by the authority aforeſaid, That every memorial of any deed, conveyance, or will, ſhall contain the day of the month, and the year when ſuch deed, conveyance, or will bears date, and the names and additions of all the parties to ſuch deed or conveyance, and of the deviſor, or teſtatrix of ſuch will, and of all the witneſſes to ſuch deed, conveyance, or will, and the places of their abode, and ſhall expreſs or mention the honors, manors, lands, tenements, and hereditaments, contained in ſuch deed, conveyance, or will, and the names of all the pariſhes, townſhips, hamlets, precincts, or extraparochial places, within the ſaid *Weſt riding*, where any ſuch honors, manors, lands, tenements, or hereditaments are lying or being, that are given, granted, conveyed, deviſed, or any way affected or charged by any ſuch deed, conveyance, or will, in ſuch manner as the ſame are expreſſed or mentioned in ſuch deed, conveyance, or will, or to the ſame effect; and that every ſuch deed, conveyance, and will, or probate of the ſame, of which ſuch memorial is ſo to be regiſtred, as aforeſaid, ſhall be produced to the ſaid regiſter or his deputy, at the time of entring ſuch memorial, who ſhall indorſe a certificate on every ſuch deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time on which ſuch memorial is ſo entred and regiſtred, expreſſing alſo in what book, page, and number the ſame is entred, and that the ſaid regiſter, or his deputy, ſhall ſign the ſaid certificate when ſo indorſed; which certificates ſhall be taken and allowed as evidence of ſuch reſpective regiſtries in all courts of record whatſoever; and that every page of ſuch regiſter books, and every memorial that ſhall be entred therein, ſhall be numbred, and the day of the month, and the year, and hour, or time of the day, when every memorial is regiſtred, ſhall be entred in the margins of the ſaid regiſter books, and of the ſaid memorial; and that every ſuch regiſter ſhall keep an alphabetical calendar of all pariſhes, extraparochial places, and townſhips within the ſaid *Weſt riding*, with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments, in every ſuch pariſh, extraparochial place, or townſhip reſpectively, and of the names of the parties mentioned in ſuch memorial; and that ſuch regiſter ſhall duly file every ſuch memorial in order of time, as the ſame ſhall be brought to the ſaid office, and enter or regiſter the ſaid memorials

Regiſter to indorſe a certificate on every ſuch deed, &c.

Memorials to be numbred.

Regiſter to keep an alphabetical calendar.

Memorials to be filed and entred in order.

rials in the ſame order that they ſhall reſpectively come to his hand.

IX. And be it further enacted, That every ſuch regiſter, before he enter upon the execution of the ſaid office, ſhall be ſworn before the juſtices of the peace for the ſaid *riding*, or any three or more of them that ſhall be preſent at his election (who are hereby impowered and required to adminiſter ſuch oath) in theſe words:

Regiſter's oath.

YOU *ſhall truly and faithfully perform and execute the office and duty that is directed and required by act of parliament, in regiſtring memorials of deeds, conveyances, and wills, within the* Weſt riding *of the county of* York, *ſo long as you ſhall continue in the ſaid office; and that you have not given nor promiſed, directly nor indirectly, nor authorized any perſon to give or promiſe any money, gratuity, or reward whatſoever, for procuring or obtaining the ſaid office for you:*

So help you *GOD.*

Regiſter's deputy to take the ſaid oath.

X. And that when and as often as the ſaid regiſter ſhall appoint any deputy to execute the ſaid office, ſuch deputy ſhall, before he enter upon the execution thereof, take the ſaid oath appointed to be taken by the regiſter, before two or more juſtices of the peace for the ſaid *riding*, who are hereby impowered and required to adminiſter ſuch oath; and that every regiſter, at the time of his being ſworn into the ſaid office, ſhall alſo enter into a recognizance with two or more ſufficient ſureties, to be approved of by five or more of the juſtices of the peace of the ſaid *riding* that were preſent at his ſaid election, by writing under their hands and ſeals, to be regiſtred at the next general quarter ſeſſions of the peace for the ſaid *riding*, of the penalty of two thouſand pounds unto her Majeſty, her heirs and ſucceſſors, to be taken by the ſame juſtices of the peace that approved of his ſecurity, conditioned for his true and faithful performance of his duty in the execution of his ſaid office: The ſame to be tranſmitted by the ſame juſtices of the peace, within one month next after the date thereof, into the office of her Majeſty's remembrancer of the Exchequer, there to remain amongſt the records of the ſaid court.

Regiſter to give 2,000l. ſecurity.

If no miſbehaviour appear in 3 years after death, &c. of regiſter, ſuch recognizance to be void.

XI. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That when any regiſter ſhall die, or ſurrender his office, and that within the ſpace of three years, from and after ſuch death or ſurrender, no miſbehaviour appear to have been committed by ſuch regiſter, in the execution of his ſaid office, then and in ſuch caſe, at the end of the ſaid three years after his death or ſurrender, the ſaid recognizance, ſo entred into by him, ſhall become void and of no effect, to all intents and purpoſes whatſoever.

Times of attendance in the office.

XII. And be it further enacted by the authority aforeſaid, That every ſuch regiſter, or his ſufficient deputy, ſhall give due attendance at his office every day in the week (except *Sundays*

and holidays) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the diſpatch of all buſineſs belonging to the ſaid office; and that every ſuch regiſter or his deputy, as often as required, ſhall make ſearches concerning all memorials that are regiſtred, as aforeſaid, and give certificates concerning the ſame under his hand, if required by any perſon.

Allowances for entring memorials,

XIII. And be it further enacted by the authority aforeſaid, That every ſuch regiſter ſhall be allowed for the entry of every ſuch memorial, as is by this act directed, the ſum of one ſhilling, and no more, in caſe the ſame do not exceed two hundred words; but if ſuch memorial ſhall exceed two hundred words, then after the rate and proportion of ſix pence an hundred, for all the words contained in ſuch memorial, over and above the

and for certificates.

firſt two hundred words: and the like fees for the like number of words, contained in every certificate or copy given out of the ſaid office, and no more, and for every ſearch in the ſaid office one ſhilling, and no more.

Penalty on regiſter, &c.

XIV. And be it further enacted by the authority aforeſaid, That if any ſuch regiſter or his deputy ſhall neglect to perform his or their duty in the execution of the ſaid office, according to the rules and directions in this act mentioned, or commit, or ſuffer to be committed, any undue or fraudulent practice in the execution of the ſaid office, and be thereof lawfully convicted,

Treble damages.

that then ſuch regiſter ſhall forfeit his ſaid office, and pay treble damages with full coſts of ſuit to every ſuch perſon or perſons as ſhall be injured thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be allowed, nor any more than one imparlance.

Perſon nominated on death of regiſter to execute the office (while vacant) to take the ſame oath as regiſter.

XV. And be it further enacted, That the perſon to be nominated, as aforeſaid, upon the death of any regiſter, to execute the ſaid office, during the time the ſame ſhall be vacant, as aforeſaid, ſhall, before he enter upon the execution thereof, take the oath herein before appointed to be taken by ſuch regiſter, and his deputy, before two or more juſtices of the peace for the ſaid *riding* (who are hereby impowered to adminiſter the ſame oath) and that if ſuch perſon, ſo nominated, ſhall be lawfully convicted of any neglect, miſdemeanor, or fraudulent practice in the execution of the ſaid office, during ſuch vacancy,

Treble damages.

he ſhall be liable to pay treble damages, with full coſts of ſuit, to every perſon that ſhall be injured thereby, to be recovered as aforeſaid.

Act not to extend to copyhold or leaſehold eſtates.

XVI. Provided alſo, and be it further enacted, That this act ſhall not extend to any copyhold eſtates, or to any leaſes at a rack rent, or to any leaſe not exceeding one and twenty years, where the actual poſſeſſion and occupation goeth along with the leaſe; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

XVII. Pro-

XVII. Provided always, and be it further enacted, That where there are more writings than one, for making and perfecting any conveyance or ſecurity, which do name, mention, or any ways affect or concern the ſame honours, manors, lands, tenements, or hereditaments, it ſhall be a ſufficient memorial, and regiſter thereof if all the ſaid honours, manors, lands, tenements, and hereditaments, and the pariſhes, townſhips, hamlets, or extraparochial places, where the ſame lie, be only once named or mentioned in the memorial, regiſter, and certificate of any one of the deeds or writings, made for the perfecting of ſuch conveyance or ſecurity; and that the dates of the reſt of the ſaid deeds or writings, relating to the ſaid conveyance or ſecurity, with the names and additions of the parties and witneſſes, and the places of their abodes, be only ſet down in the memorials, regiſters, and certificates of the ſame, with a reference to the deed or writing whereof the memorial is ſo regiſtred, that contains or expreſſes the parcels mentioned in all the ſaid deeds, and directions how to find the regiſtring the ſame.

Manors, lands, &c. to be but once named in the memorial, &c. where there are more writings than one for making the conveyance, &c.

XVIII. And be it further enacted by the authority aforeſaid, That a memorial of ſuch deeds, conveyances, and wills, as ſhall be made and executed or publiſhed in *London*, or in any other place not within forty miles of the ſaid *Weſt riding*, which do or may concern or affect any honours, manors, lands, tenements, or hereditaments in the ſaid *Weſt riding*, ſhall be entred or regiſtred by the aforeſaid regiſter or his deputy, in caſe an affidavit ſworn before any one of the judges at *Weſtminſter*, or a maſter in *Chancery*, be brought with the ſaid memorial to the ſaid regiſter or his deputy, wherein one of the witneſſes to the execution of ſuch deeds and conveyances ſhall ſwear he or ſhe ſaw the ſame executed, and the memorial ſigned and ſealed as aboveſaid, or wherein one of the witneſſes to the memorial of any will ſhall ſwear he or ſhe ſaw ſuch memorial ſigned and ſealed as aboveſaid; and the ſame ſhall be a ſufficient authority to the ſaid regiſter, or his deputy, to give the party that brings ſuch memorial and affidavit, a certificate of the regiſtring ſuch memorial; which certificate, ſigned by the ſaid regiſter or his deputy, ſhall be taken and allowed as evidence of the regiſtries of the ſame memorials in all courts of record whatſoever; any thing in this act to the contrary thereof contained in any wiſe notwithſtanding.

A memorial of deeds, &c. made in London, &c. which concern any lands in the weſt riding may be regiſtred on affidavit.

Regiſter to give certificate thereupon.

XIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time forge or counterfeit any ſuch memorial or certificate as are herein before mentioned and directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties as in and by an act of parliament made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act againſt forgers of falſe deeds and writings*, are impoſed upon perſons for forging or publiſhing of falſe deeds, charters, or writings ſealed, court rolls, or wills, whereby the freehold or inheritance of any perſon or perſons of, in, or to any lands, tenements, or

Penalty on forging or counterfeiting memorials or certificates.

5 Eliz. c. 14.

hereditaments, ſhall or may be moleſted, troubled, or charged; and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſter, or his deputy, or before any judge or maſter in Chancery, in any of the caſes aforeſaid, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record at *Weſtminſter*.

Penalty on perſon forſwearing himſelf.

XX. Provided always, and it is hereby enacted, That all memorials of wills that ſhall be regiſtred in manner as aforeſaid, within the ſpace of ſix months after the death of every reſpective deviſor or teſtatrix, dying within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, or within the ſpace of three years after the death of every reſpective deviſor or teſtatrix, dying upon or in any parts beyond the ſeas, ſhall be as valid and effectual againſt ſubſequent purchaſers, as if the ſame had been regiſtred immediately after the death of ſuch reſpective deviſor or teſtatrix; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Memorials of wills entred in 6 months after death of deviſor, dying in England, &c. or in 3 years after death of deviſor dying beyond ſea, to be valid.

XXI. Provided always, that in caſe the deviſee, or perſon or perſons intereſted in the honours, manors, lands, tenements, or hereditaments, deviſed by any ſuch will, as aforeſaid, by reaſon of the conteſting ſuch will, or other inevitable difficulty, without his, her, or their wilful neglect or default, ſhall be diſabled to exhibit a memorial for the regiſtry thereof, within the reſpective times herein before limited, then and in ſuch caſe the regiſtry of the memorial, within the ſpace of ſix months next after his, her, or their attainment of ſuch will, or a probate thereof, or removal of the impediment, whereby he, ſhe, or they are diſabled or hindred to exhibit ſuch memorial, ſhall be a ſufficient regiſtry within the meaning of this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Proviſo in caſe of wills conteſted.

XXII. And be it further enacted by the authority aforeſaid, That no member of parliament, for the time being, ſhall be capable of being choſen regiſter, or of executing, by himſelf or any other perſon, the ſaid office, or have, take, or receive any fee or other profit whatſoever, for or in reſpect thereof; nor ſhall any regiſter, or his deputy, for the time being, be capable of being choſen a member to ſerve in parliament.

No member of parliament to be choſen regiſter; or regiſter to be choſen a member of parliament.

XXIII. And be it further enacted, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act; and all judges and juſtices are hereby required as ſuch to take notice thereof, without ſpecial pleading the ſame.

Publick act.

CAP.

CAP. V.

An act to repeal a proviſo in an act of the fourth year of the reign of King William *and Queen* Mary, *which prevents the citizens of the city of* York *from diſpoſing of their perſonal eſtates by their wills, as others inhabiting within the province of* York *by that act may do.*

WHEREAS *by an act made and paſſed in the fourth year of the reign of their late majeſties King* William *and Queen* Mary, *intituled*, An act that the inhabitants of the province of *York* may diſpoſe of their perſonal eſtates by their wills, notwithſtanding the cuſtom of that province: *in which act there is a proviſo, that nothing in the ſaid act contained ſhould extend or be conſtrued to extend to the citizens of the cities of* York *and* Cheſter, *who were or ſhould be freemen of the ſaid reſpective cities, inhabiting therein, or within the ſuburbs thereof, at the time of their death: but that every ſuch citizen's widow and children ſhould and might have and enjoy ſuch reaſonable part and proportion of the teſtator's perſonal eſtate, as ſhe or they might or ought to have had by the cuſtom of the province of* York, *before the making of the ſaid act: and whereas notwithſtanding the mayor and commonalty, on behalf of the inhabitants of the ſaid city of* York, *have humbly deſired that the ſaid proviſo may be repealed, ſo that the freemen of the ſaid city may have the benefit of the ſaid act of parliament, as well as all other perſons inhabiting within the ſaid province*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in parliament aſſembled, and by the authority of the ſame, That from and after the ſix and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and four, the ſaid proviſo, ſo far as the ſame concerns the citizens of the city of *York*, ſhall be repealed and is hereby repealed and made null and void, ſo that from thenceforth it ſhall and may be lawful for all and every the citizens of the ſaid city of *York*, who are or ſhall be freemen of the ſaid city, inhabiting therein, or within the ſuburbs thereof, at the time of their death, by their laſt wills and teſtaments, to give, bequeath, and diſpoſe of their goods, chattles, debts, and other perſonal eſtates, to their executor or executors, or to ſuch other perſon or perſons as the ſaid teſtator or teſtators ſhall think fit, as any other perſon or perſons inhabiting or reſiding within the ſaid province of *York* may lawfully do by virtue of the ſaid act: and that from and after the ſaid ſix and twentieth day of *March*, the widows, children, and other kindred of ſuch teſtator or teſtators, ſhall be barred to claim or demand any part of the goods, chattles, or other perſonal eſtate of the teſtator or teſtators, in any other manner, than as by the ſaid laſt wills and teſtaments is limited and appointed; any thing in the ſaid act, or any other law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

4 W. & M. c. 2.

Freemen of York may diſpoſe of their perſonal eſtates by will.

Widows or children barred from claim, otherwiſe than by teſtator's will.

II. Provided, and be it enacted, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act;

Publick act.

and all judges and juſtices are required as ſuch to take notice thereof without ſpecial pleading the ſame.

CAP. VI.

An act for the increaſe of ſeamen, and better encouragement of navigation, and ſecurity of the coal trade.

WHEREAS *the giving due encouragement to ſuch of the youth of this kingdom, as ſhall voluntarily betake themſelves to the ſea ſervice, and practice of navigation, and obliging others, who, by reaſon of their own or their parents poverty, are deſtitute of employment, or any lawful means whereby to maintain themſelves, may greatly tend to the increaſe of able and experienced mariners and ſeamen, for the ſervice of her Majeſty's royal navy, and for the carrying on the trade and commerce of this kingdom*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and four,

Pariſh boys may be put out apprentices to the ſea ſervice,

it ſhall and may be lawful to and for two or more juſtices of the peace, in their ſeveral and reſpective counties, ridings, or diviſions, as alſo to and for all mayors, aldermen, bailiffs, and other chief officers and magiſtrates of any city, borough, or town corporate, within her Majeſty's kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, and likewiſe to and for the churchwardens and overſeers of the poor (for the time being) of the ſeveral and reſpective pariſhes within the places aforeſaid, by and with the conſent and approbation of ſuch juſtices of the peace, mayors, aldermen, bailiffs, or other the chief officers or magiſtrates aforeſaid, to bind and put out any boy or boys, who is, are, or ſhall be of the age of ten years, or upwards, or who is, are, or ſhall be chargeable, or whoſe parents are or ſhall become chargeable to the reſpective pariſh or pariſhes wherein they inhabit, or who ſhall beg for alms, to be apprentice and apprentices to the ſea ſervice, to any

to maſters of ſhips, &c.

of her Majeſty's ſubjects, being maſters or owners of any ſhip or veſſel uſed in ſea ſervice, and belonging to any port or ports within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed* aforeſaid, for ſo long time, and until ſuch boys ſhall reſpectively attain or come to the age of one and twenty years; and ſuch binding out any ſuch apprentice ſhall be as effectual in the law, to all intents and purpoſes, as if ſuch boy were of full age, and by indenture had bound himſelf an

Boys age to be inſerted in his indenture, &c.

apprentice: and to the end that the time of the continuance of the ſervice of ſuch apprentice or apprentices may the more plainly and certainly appear, the age of every ſuch boy, ſo to be bound apprentice, ſhall be mentioned and inſerted in his indentures, being taken truly from a copy of the entry in the regiſter book, wherein the time of his being baptized is or ſhall be entred (where the ſame can or may be had) which copy ſhall be given and atteſted by the miniſter, vicar, or curate of ſuch

pariſh

pariſh or pariſhes, wherein ſuch boys baptiſm ſhall be regiſtred, without fee or reward, and may be writ upon paper or parchment without any ſtamp or mark; and where no ſuch entry of ſuch boys being baptized can be found, two or more of ſuch juſtices of the peace, and ſuch mayors, aldermen, bailiffs, or other chief officers ſhall, as fully as they can, inform themſelves of ſuch boy's age, and from ſuch information ſhall inſert the ſame in the ſaid indentures; and the age of ſuch boy ſo inſerted and mentioned in the ſaid indentures (in relation to the continuance of his ſervice) ſhall be taken to be his true age, without any further proof thereof.

Churchwardens to pay down 5os. for boys neceſſary cloathing, &c. and be allowed the ſame in their accounts.

II. And be it further enacted by the authority aforeſaid, That the churchwardens and overſeers of the poor for the time being, of the ſeveral and reſpective pariſhes, from whence any ſuch boy ſhall be bound apprentice to the ſaid ſervice, as aforeſaid, ſhall pay down to ſuch maſter, to whom the boy is bound, at the time of his binding, the ſum of fifty ſhillings, to provide neceſſary cloathing and bedding for ſea ſervice, for ſuch boy; and the charges by this act appointed ſhall be allowed to the ſaid churchwardens and overſeers on their accounts.

Overſeers of the poor of any townſhip or village may act as churchwardens.

III. *And whereas in many large pariſhes within this realm, there are ſeveral townſhips or villages, and overſeers of the poor are choſen and appointed within and for each ſuch townſhip or village reſpectively*; be it therefore enacted, That the overſeers of the poor of every ſuch townſhip or village ſhall and may, from time to time, within every ſuch townſhip or village, do, perform, and execute all and every the acts, powers, and authorities hereby enacted or directed to be done, performed, or executed by the churchwardens or overſeers of the poor of a pariſh; any thing herein contained to the contrary in any wiſe notwithſtanding.

No ſuch apprentice to be impreſſed, &c. until 18 years old.

IV. And be it further enacted by the authority aforeſaid, That no ſuch apprentice or apprentices ſhall be compelled, or impreſſed, or permitted or ſuffered to liſt or enter him or themſelves into her Majeſty's ſervice at ſea, or enter into the ſea ſervice of her Majeſty's heirs or ſucceſſors, till ſuch apprentice or apprentices reſpectively arrive to the age of eighteen years.

Apprentices indentures to be ſent to the collector at the port whereunto his maſter belongs.

Collector to enter the ſame gratis, &c.

V. And be it further enacted, That the churchwardens and overſeers of the pariſh, out of which any ſuch boy ſhall be bound an apprentice, ſhall ſend the ſaid indentures to the collector of her Majeſty's cuſtoms, reſiding at or belonging to any port or ports within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, whereunto ſuch maſters or owners of ſhips or veſſels, to whom ſuch apprentice or apprentices ſhall be bound, do or may belong; who ſhall, in a fair book or books to be by him kept for that purpoſe, fairly enter, from time to time, all and every indenture and indentures, whereby ſuch apprentice and apprentices ſhall be bound, and which ſhall be ſo ſent unto him, and ſhall make an indorſement upon the ſaid indentures of the regiſtry thereof, ſubſcribed by the ſaid collector, without taking any fee or other reward for the ſame: and every ſuch collector neglecting or refuſing

fuſing to enter ſuch indentures, and indorſe the ſame, or making falſe entries, ſhall forfeit the ſum of five pounds for the uſe of the poor of the pariſh, from whence ſuch boy was bound apprentice: and all and every ſuch collector or collectors, or his or their lawful deputy or deputies, of the ſaid ſeveral and reſpective ports, ſhall from time to time tranſmit certificates in writing, under his or their hands, to the lord high admiral of *England*, or to the commiſſioners of the admiralty for the time being, containing the names and ages of every ſuch apprentice reſpectively, and to what ſhip he belongs; and upon receipt of ſuch certificates, protections ſhall, from time to time, be made and given for ſuch apprentices, till they attain their ſeveral and reſpective ages of eighteen years, without any fee or reward to be taken for the ſame; which certificates, ſo as aforeſaid to be given, are not required to be writ upon ſtampt paper or parchment.

Penalty on collector neglecting.

Lord admiral to grant protections for ſuch apprentices, gratis.

VI. And be it further enacted by the authority aforeſaid, That all and every the perſon and perſons, to whom any poor pariſh boy hath been, or hereafter ſhall be, put apprentice, according to the ſtatute made in the forty third year of the reign of Queen *Elizabeth*, may, with the conſent and approbation of two or more juſtices of the peace of the ſame county, and dwelling in or near the ſame pariſh where ſuch poor boy was bound apprentice, or by and with the conſent and approbation of any mayor, alderman, bailiff, or other chief officer or magiſtrate of any city, borough, or town corporate, where ſuch poor boy was bound apprentice, at the requeſt of the maſter or miſtreſs, then living, of ſuch apprentices, or his or their executors, adminiſtrators, or aſſigns, by indenture, aſſign and turn over ſuch poor boy apprentice to any maſter or owner of any ſuch ſhip or veſſel, uſing the ſea ſervice, as aforeſaid, for and during the then remaining time of his apprenticeſhip; which aſſignment and aſſignments of ſuch apprentices, ſo as aforeſaid, ſhall be, and are hereby declared to be good and effectual in the law: all which indentures of aſſignment are hereby directed to be regiſtred, and certificates thereof given and tranſmitted by ſuch collector, at the ſaid ſeveral ports where ſuch pariſh apprentices ſhall be ſo aſſigned over, and bound to the ſea ſervice, in manner and form aforeſaid; and upon receipt of ſuch certificates, protections ſhall, from time to time, be made and given for ſuch apprentices (ſo to be aſſigned over, as aforeſaid) till they ſhall attain their ſeveral and reſpective ages of eighteen years, without fee or reward for the ſame, in like manner as aforeſaid.

43 Eliz. c. 2.

Pariſh boys bound apprentices, may be turned over to the ſea ſervice.

Indentures of aſſignment to be regiſtred. *Altered by* 4 Annæ, c. 19. ſ. 16.

VII. And be it further enacted by the authority aforeſaid, That all and ſingular ſuch poor boys as are herein before-mentioned, or intended by this act to be bound and put out, and ſuch as ſhall be aſſigned over to the ſea ſervice, as aforeſaid, during their ſeveral and reſpective apprenticeſhips, till ſuch time as they ſhall attain their ſeveral and reſpective ages of eighteen years, ſhall be, and are hereby declared to be exempted,

All ſuch apprentices until 18 years old exempted from the 6d. per month to Greenwich hoſpital.

ed, freed, and diſcharged of and from payment of ſix pence *per* month towards the better ſupporting of *Greenwich Hoſpital*, the act of parliament made in the ſeventh and eighth years of the reign of the late King *William* the Third (of glorious memory) intituled, *An act for the increaſe and encouragement of ſeamen*, or any clauſe in the ſame contained to the contrary hereof in any wiſe notwithſtanding. *See* 2 Geo. 2. c. 7. ſ. 36. 7 & 8 W. 3. c. 21.

VIII. And for the better providing ſuch apprentices with maſters for the ſaid ſervice; be it further enacted by the authority aforeſaid, That all and every of her Majeſty's ſubjects, being maſters or owners of any ſhip or ſhips, veſſel or veſſels, uſed in the ſea ſervice, as aforeſaid, of the burthen of thirty tun to the burthen of fifty tun, be obliged to take one ſuch apprentice, and one more for the next fifty tun, and one more for each and every hundred tun, ſuch ſhip or veſſel ſhall exceed the burthen of one hundred tun: and ſuch maſter or owner of any ſhip or veſſel, refuſing to take ſuch apprentice or apprentices, as aforeſaid, ſhall forfeit the ſum of ten pounds for the uſe of the poor of the pariſh from whence ſuch boy was bound apprentice. Maſters of ſhips, &c. obliged to take ſuch apprentices. *By* 4 Annæ c. 19. ſect. 16. *no maſter ſhall be bound to take a boy under* 13 *years of age*, &c.

IX. And be it further enacted, That every maſter or owner of ſuch ſhip or ſhips, veſſel or veſſels, ſo obliged to take ſuch apprentice or apprentices, after his arrival into any port or ports aforeſaid, and before he clears out of ſuch port, ſhall give an account in writing, under his hand, to the collector of ſuch port to which he belongs, containing the names and numbers of ſuch apprentices as are then remaining in his ſervice. and to give an account of their names, &c.

X. And for the better conveying and conducting all and every ſuch apprentice and apprentices, ſo to be bound, as aforeſaid, to his or their reſpective maſter and maſters; be it further enacted by the authority aforeſaid, That all and every ſuch apprentice and apprentices ſhall, from time to time, be ſeverally and reſpectively ſent, conducted, and conveyed to the ſeveral and reſpective ports, to which his or their maſter ſhall reſpectively belong, by the churchwardens and overſeers of the poor, or their agents, of the pariſh from whence ſuch apprentice is bound, and the charges thereof to be in the ſame manner, as it is provided by an act of parliament made in the eleventh and twelfth years of the reign of his ſaid late majeſty King *William* the Third, intituled, *An act for the more effectual puniſhment of vagrants, and ſending them whither by law they ought to be ſent.* How apprentices ſhall be conveyed to the ports to which their maſters belong. 11 & 12 W. 3. c. 18.

XI. And it is hereby directed, That the counterpart of all and every ſuch indentures, to be executed by the ſeveral and reſpective maſters of all ſuch apprentices, ſhall be ſealed and executed in the preſence of, and atteſted by, the collector at the port aforeſaid, (where ſuch apprentices ſhall be bound or aſſigned over) and the conſtable or other officer, who ſhall bring or convey ſuch apprentices to the ſaid ſeveral and reſpective maſters; which conſtables or officers laſt mentioned ſhall tranſmit and convey the counterparts of ſuch indentures to the churchwardens and overſeers of the ſeveral pariſhes from whence The counterparts of their indentures to be tranſmitted to the churchwardens, &c.

ſuch

ſuch apprentices ſhall be bound, by the ſame ways and means as ſuch apprentice or apprentices were conveyed to the ſaid ſeveral and reſpective ports.

Juſtices to determine complaints between maſters and apprentices.

XII. And be it further enacted by the authority aforeſaid, That two or more juſtices of the peace of the reſpective counties, and dwelling in or near any of the ports aforeſaid, and all mayors, aldermen, bailiffs, and other chief officers and magiſtrates of any city, borough, or town corporate, in or near adjoining to ſuch port or ports, to which ſuch ſhip or veſſel ſhall at any time arrive, ſhall have full power and authority, and are hereby authorized and impowered to inquire into, and examine, hear, and determine all complaints of hard or ill uſage from the ſeveral and reſpective maſters, to ſuch their apprentice or apprentices, ſo to be bound or aſſigned over, as aforeſaid, and alſo of all ſuch as already have, or who ſhall at any time hereafter voluntarily put themſelves apprentice to the ſea ſervice, as aforeſaid, and to make ſuch orders therein, as now they are enabled by law to do in other caſes between maſters and apprentices.

Collector to keep a regiſter, &c.

XIII. And be it further enacted by the authority aforeſaid, That every ſuch collector in every port or ports aforeſaid, ſhall, in their ſeveral and reſpective ſtations, keep an exact regiſter, containing as well the number and burthen of all ſuch ſhips and veſſels, together with the maſters or owners names, as alſo the names of ſuch apprentices in each ſhip and veſſel belonging to their reſpective ports, and from what pariſhes and places ſuch apprentices were reſpectively ſent; and that ſuch collectors ſhall tranſmit true copies of ſuch regiſter, ſigned by them, to the quarter ſeſſions, or to ſuch cities, boroughs, towns corporate, pariſhes, or places, when and ſo often as they ſhall be reaſonably required ſo to do; for which copy or copies, ſo to be tranſmitted as aforeſaid, no fee or reward ſhall be taken: and that every ſuch collector refuſing or wilfully neglecting to tranſmit ſuch copies, as aforeſaid, ſhall for every ſuch refuſal or neglect forfeit five pounds for the uſe of the poor of the pariſh, from whence ſuch boy was bound apprentice.

and tranſmit a copy thereof to the quarter ſeſſions, &c. *gratis*.

Penalty.

Officer to inſert on the cocquet, the number of men and boys on board, &c.

XIV. And be it further enacted, That every cuſtom-houſe officer or officers, at each and every of the ports aforeſaid, ſhall inſert, and are hereby required from time to time, to inſert at the bottom of their cocquets, the number of men and boys on board the reſpective ſhips or veſſels, at their going out of every ſuch port, therein particularly deſcribing the apprentices by their reſpective names, ages, and the dates of their ſeveral indentures, for which no fee or reward ſhall be taken.

Perſons voluntarily binding themſelves apprentices to ſea ſervice, not to be im-

XV. And for the encouragement of all ſuch as have, or ſhall voluntarily bind themſelves apprentices to the ſea ſervice; be it further enacted by the authority aforeſaid, That all and every ſuch perſon and perſons, who have or ſhall ſo voluntarily, and of his or their own accord, bind or put him or themſelves apprentice to any ſuch maſters or owners of any ſhip or veſſel, as aforeſaid, ſhall not be compelled or impreſt into her Majeſty's

ſea

ſea ſervice, or the ſea ſervice of her Majeſty's heirs or ſucceſſors, for and during the term of three years, to be accounted from the dates of the reſpective indentures of ſuch voluntary apprentice or apprentices; all which indentures are hereby directed to be regiſtred, and certificates thereof given and tranſmitted by ſuch collector at the ſaid ſeveral ports, where ſuch apprentices already have become ſo bound, or that hereafter ſhall ſo bind themſelves, in manner and form as aforeſaid; upon receipt of which ſaid ſeveral certificates, protections ſhall, from time to time, be made and given, for the ſaid firſt three years of their ſeveral reſpective apprenticeſhips, without either fee or reward for the ſame.

preſſed for 3 years. *Explained by* 4 Annæ, c. 19. ſect. 17. Indentures to be regiſtred, and protections given for the ſaid 3 years.

XVI. *And foraſmuch as divers diſſolute and idle perſons, rogues, vagabonds and ſturdy beggars, notwithſtanding the many good and wholeſome laws to the contrary, do continue to wander up and down, pilfering and begging through all parts of this kingdom, to the great diſturbance of the peace and tranquility of the realm*; for the more effectually ſuppreſſing ſuch diſorderly perſons, and to the end that they may be made ſerviceable and beneficial to their country; be it further enacted by the authority aforeſaid, That all lewd and diſorderly men ſervants, and every ſuch perſon and perſons, both men and boys, that are deemed and adjudged rogues, vagabonds, and ſturdy beggars (not being felons) by an act of parliament made in the nine and thirtieth year of the reign of the ſaid late Queen *Elizabeth*, for puniſhing of rogues, vagabonds, and ſturdy beggars, ſhall be and are hereby directed to be taken up, ſent, conducted, and conveyed into her Majeſty's ſervice at ſea, or the ſervice at ſea of her Majeſty's heirs or ſucceſſors, by ſuch ways, methods, and means, and in ſuch manner and form, as is directed for vagrants by the ſaid before-mentioned act of parliament, made in the ſaid eleventh and twelfth years of the reign of the ſaid late King *William* the Third, *For the more effectual puniſhment of vagrants, and ſending them whither by law they ought to be ſent.*

All lewd and diſorderly men and boys, deemed vagabonds or ſturdy beggars, by 39 Eliz. c. 4. to be taken up and conveyed into the Queen's ſea ſervice.

11 & 12 W. 3. c. 18.

XVII. *And whereas owners and maſters of merchant ſhips are at great charge in educating and bringing up the pariſh children, till they come to the age of eighteen years, and other voluntary apprentices three years, at which time they are capable to ſerve in her Majeſty's ſhips of war*; be it enacted by the authority aforeſaid, When ſuch apprentices ſhall be impreſſed, or voluntarily enter themſelves into her Majeſty's ſervice, the ſaid owners or maſters of ſuch apprentices, their executors, adminiſtrators, or aſſigns, ſhall be intituled to able ſeamens wages for ſuch of their apprentices, as ſhall upon due examination be found qualified for the ſame, notwithſtanding their indentures of apprenticeſhip.

When ſuch apprentices ſhall be impreſſed, maſters to have able ſeamens wages for them.

XVIII. And be it further enacted by the authority aforeſaid, That all the penalties and forfeitures directed by this act, ſhall, by warrant under the hands and ſeals of any two or more juſtices of the peace, of the ſame county, city, borough or town corporate, be levied by diſtreſs and ſale of the goods and chattles of the offender, which ſale ſhall be good in the law againſt ſuch offender.

Penalties and forfeitures, how to be levied.

7 & 8 W. 3. c. 21.

8 & 9 W. 3. c. 23.

XIX. *And whereas upon the act of parliament, before mentioned, made in the ſeventh and eighth years of the reign of the ſaid late King* William *the Third, intituled,* An act for the increaſe and encouragement of ſeamen; *as alſo upon the act of parliament made in the eighth and ninth years of the reign of the ſaid late King* William *the Third, intituled,* An act to enforce the act for the encouragement of ſeamen, *ſeveral doubts have aroſe whether any diſabled ſeamen, their children, or the widows and children of ſeamen ſlain, killed, or drowned in ſea ſervice, other than ſuch as are expreſly qualified by the ſaid laſt mentioned acts, may be admitted and provided for in* Greenwich *hoſpital, when any vacancies happen therein*; be it therefore enacted, for the encouragement of all perſons who do or ſhall ſerve at ſea, That at any time hereafter, when any ſuch vacancy or vacancies ſhall happen in the ſaid hoſpital, that the lord high admiral of *England*, or commiſſioners executing the office of lord high admiral of *England* for the time being, ſhall have full power and authority, and is and are hereby impowered and authorized, from time to time, to nominate and appoint any diſabled ſeamen, their wives and children, and the widows and children of ſeamen ſlain, killed, or drowned in ſea ſervice, to be maintained and provided for in the ſaid hoſpital, as the ſaid lord high admiral, or commiſſioners executing the office of lord high admiral, ſhall think fit or ſee occaſion; any thing in the ſaid two ſeveral acts of parliament laſt mentioned, or in the letters patents in the ſaid acts mentioned, contained to the contrary hereof in any wiſe notwithſtanding.

Lord admiral to appoint any diſabled ſeamen, their wives and children, &c. to be maintained in Greenwich hoſpital.

XX. *And for the encouraging all ſuch ſhips or veſſels as ſhall be imployed in bringing coals for ſupplying the city of* London, *and other ports of this kingdom, at more reaſonable rates than during this war they have hitherto been*; be it enacted by the authority aforeſaid, That from after the five and twentieth day of *March*, one thouſand ſeven hundred and four, there ſhall be allowed yearly, during the preſent war, free from impreſſing, to every maſter of any ſhip or veſſel imployed in the coal trade, beſide the ſaid maſter and maſter's mate, and carpenter, one able ſeaman for every hundred tun in burthen, not exceeding three hundred tuns, that ſuch ſhip or veſſel contains, which ſhall be made appear by a certificate from the cuſtom-houſe, of what number of tuns ſuch ſhip or veſſel is really of, according to the gages or meaſures mentioned in an act paſſed in the fifth and ſixth year of their late majeſties King *William* and Queen *Mary*, *For laying a duty on tunnage of ſhipping*; and if any captain, lieutenant, or other officer, ſhall preſume to impreſs or take any of the men allowed by this act, as aforeſaid, ſuch captain, lieutenant, or other officer, ſhall forfeit to the maſter or owner of ſuch ſhip or veſſel, ten pounds for every man he ſhall ſo impreſs or take, to be recovered with coſts of ſuit, by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record, wherein no eſſoin, protection, privilege, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

Allowances of men free from impreſſing imployed in the coal trade.

5&6 W.&M. c. 20.

Penalty on officer impreſſing men ſo allowed.

CAR.

CAP. VII.

An act for enlarging the term of years granted by an act paſſed in the ſeſſion of parliament, held in the eleventh and twelfth years of King William the Third, for repair of Dover harbour.

11 & 12 W. 3. c. 5. for the repair of Dover harbour, continued from 1709. to 1718. *Continued by* 9 Geo. 1. c. 30. ſect. 1. to May 1744. Penalty on ſhip ſailing in or through the gates of the works without firſt taking down her ſails. No ſullage to be thrown into the baſon of the harbour. *Continued by* 11 Geo. 2. c. 7. *for* 21 *years.*

CAP. VIII.

An act for erecting a work-houſe in the city of Worceſter, and ſetting the poor on work there.

A corporation to be for ever in the city of Worceſter, to conſiſt of the perſons hereafter expreſſed. How the elections ſhall be made. Miniſters to give notice in the church of the day and time of election. Benefactor may be elected a member for one year. In caſe of death of any perſon elected, a new election to be made. In caſe of deficiency in any pariſh of fit perſons to be choſe guardians, the ſame may be elected out of any other pariſh. The guardians of the poor of the city of Worceſter made for ever a body politick, and may purchaſe lands. Officers to be elected yearly. No officer compelled to ſerve longer than two years. Treaſurer to continue but for one year. Guardians may be diſplaced on juſt cauſe. A court to be held yearly the firſt Thurſday in every month. Eleven of the guardians to conſtitute a court. The governor may at any time hold a court; and at the deſire of ten of the guardians an extraordinary aſſembly may be held. The court may ſummon the inhabitants to appear before them. Guardians may appoint a common ſeal, make by-laws, conſtitute committees, and ſettle one or more hoſpital, work-houſe, &c. Guardians to provide materials for ſetting the poor to work, and compel beggars, &c. to work in ſuch work-houſe; and all perſons ſent into houſes of correction; and poor children, &c. until fifteen years old; and then bind them apprentices for ſeven years. Guardians may puniſh perſons in the work-houſe not conforming to the rules thereof. A committee of five guardians to be appointed for puniſhing offenders. Court to aſcertain the ſums needful for ſettling ſuch hoſpital or work-houſe, &c. to be raiſed in two years; and to aſcertain the weekly ſums for the maintenance and imployment of the poor of the hoſpital, &c. aſſeſs the ſaid ſums in equal proportion, and certify the ſame to the mayor and aldermen, &c. Perſons unequally aſſeſſed may appeal. In caſe mayor, &c. neglect to iſſue out warrants for levying the aſſeſſments, &c. Corporation may do the ſame. Corporation to provide for maintenance of the poor of the city, &c. except the poor otherwiſe provided for. Corporation may examine churchwardens, &c. on oath, grant warrants to apprehend rogues, vagabonds, &c. and cauſe them to be ſet to work for 6 months. The corporation not to have any power over any alms-houſe, &c. in the ſaid city, &c. Court may chooſe a clerk, and other officers, and ſervants needful; and on death or removal chooſe others, and allow them out of the ſtock. Treaſurer to account yearly, and deliver over what ſhall be in his hands to the ſucceeding treaſurer. No perſon to be elected a guardian, unleſs he pay 6d. a week to the poor. Corporation may contract with any pariſh in the county for employing their poor, &c. Continuance of any poor perſons in the work-houſe not to be deemed a ſettlement. Election of all officers, except guardians to be by ballot. No cloth or ſtuff manufactured in the work-houſe, to be ſold by retail in Worceſter city. But may be imployed for cloathing the poor of the corporation.

Explained and made more effectual by 3 Geo. 2. c. 23.

CAP.

CAP. IX.

An act for granting to her Majeſty an additional ſubſidy of tunnage and poundage for three years; and for laying a further duty upon French *wines condemned as lawful prize, and for aſcertaining the values of unrated goods imported from the* Eaſt Indies.

Moſt gracious Sovereign,

9 W. 3. c. 23. WHEREAS *by an act of parliament made and paſſed in the ninth year of the reign of his late majeſty King* William *the Third, of glorious memory, intituled,* An act for granting to his Majeſty a further ſubſidy on tunnage and poundage, towards raiſing the yearly ſum of ſeven hundred thouſand pounds, for the ſervice of his Majeſty's houſhold, and other uſes therein mentioned, during his Majeſty's life; *it was enacted, That over and above all ſubſidies of tunnage and poundage, and over and above all additional duties, impoſitions, and other duties whatſoever, therein mentioned, there ſhould be raiſed and paid to his Majeſty one other ſubſidy called* Tunnage, *for and upon all wines, which from and after the laſt day of* January, *in the year of our Lord one thouſand ſix hundred ninety nine, at any time or times, during his Majeſty's life, ſhould be imported or brought into the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed; *and one further ſubſidy called* Poundage, *of all manner of goods and merchandizes imported or brought into this realm, or any his Majeſty's dominions to the ſame belonging, at any time or times after the ſaid laſt day of* January, *one thouſand ſix hundred ninety nine, during his Majeſty's life, by way of merchandize (except ſuch goods and merchandizes as are therein excepted) and with ſuch abatements, regulations, directions for making repayments or allowances upon exportation, and ſubject to ſuch rules and other matters and things touching the ſaid ſeveral ſubſidies, as in the ſaid act are expreſſed; which ſaid further ſubſidies of tonnage and poundage, and other duties upon wine, goods, and merchandizes, granted by the act above recited, are to be raiſed and paid to your Majeſty, during your life, by virtue of another act of parliament made and paſſed in the firſt year of your Majeſty's reign,*

1 Annæ, ſtat. 1. c. 7. *intituled,* An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown, *as by the ſaid acts (relation being thereunto ſeverally had) may more fully appear*: Now we your Majeſty's moſt dutiful and loyal ſubjects the commons of *England*, in parliament aſſembled, for the better enabling your Majeſty to carry on the preſent war, and to defray your other neceſſary expences, do cheerfully and unanimouſly give and grant unto your moſt excellent Majeſty, the additional rates, duties, and ſums of money herein after-mentioned, and do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled,

and

and by the authority of the ſame, That over and above the ſubſidies of tunnage and poundage above-mentioned, and over and above all other ſubſidies, additional duties, impoſitions, and payments whatſoever, by any other act or acts of parliament or otherwiſe however already due or payable, or which ought to be paid to her Majeſty for or upon any wines, goods, or merchandizes whatſoever, imported or to imported, there ſhall be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty one other ſubſidy called *Tunnage*, for and upon all wines which from and after the eighth day of *March*, in the year of our Lord one thouſand ſeven hundred and three, at any time or times within or during the ſpace of three years from thence next and immediately enſuing, ſhall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, that is to ſay, one third part of ſuch or the like ſeveral and reſpective duties, as by the ſaid recited acts, or either of them; are impoſed or payable for or upon any kind of wine or wines reſpectively; and one other ſubſidy called *Poundage*, of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majeſty's dominions to the ſame belonging, at any time or times after the ſaid eighth day of *March*, one thouſand ſeven hundred and three, during the ſaid term of three years, by way of merchandize; that is to ſay, one third part of ſuch or the like ſeveral and reſpective duties, as by the ſaid recited acts, or either of them, are impoſed or payable for or upon the ſame goods and merchandizes reſpectively, except ſuch goods and other merchandizes as by the ſaid acts, or either of them, are exempted from payment of the ſubſidies thereby granted.

One other ſubſidy of tunnage upon wines imported after 8 March, 1703. for 3 years. *Farther continued by* 4 Annæ. c. 6. 5 Annæ, c. 19. *and perpetuated by* 1 Geo. 1. ſtat. 2. c. 12. ſ. 8.

Poundage on all goods imported for 3 years. *Altered as to tobacco by* 9 Geo. 1. c. 21. ſ. 3.

Exceptions.

II. And it is hereby enacted, That in all caſes where by the ſaid former acts, or either of them, any drawbacks or abatements are to be made of the whole or any part of the duties thereby impoſed. there ſhall be in the like caſes proportionable drawbacks and abatements made of the whole or part of the duties by this act granted reſpectively; and that the ſeveral ſubſidies and duties by this act granted, during the continuance thereof, ſhall be raiſed, collected, levied, ſecured, and paid, by the ſame ways, means, and methods, and under ſuch penalties and forfeitures, and ſubject to ſuch rules and directions, as in and by the ſaid acts, or either of them, are preſcribed or appointed, touching or concerning the ſaid ſubſidies of tunnage and poundage which were thereby granted, as aforeſaid; and that every article, rule, and clauſe contained in the ſaid recited acts, or either of them, concerning the ſaid ſubſidies of tunnage and poundage formerly granted, as aforeſaid, and now in force, ſo far forth as the ſame do or may relate to the ſubſidies or duties formerly granted, as aforeſaid, ſhall be uſed, exerciſed, and put in practice for the raiſing, levying, collecting, and anſwering the ſubſidies and duties hereby before granted, as fully and effectually as if the ſame articles, rules, and clauſes, and every of them, were again particularly and at large recited and re-enacted in the body of this preſent act: except only as to ſuch of the ſaid articles,

Drawbacks and abatements.

Duties how to be raiſed, &c. 9 & 10 W. 3. c. 23. 1 Annæ, ſtat. 1. c. 7.

Exception.

articles, rules, and clauſes, touching which other proviſions, alterations, or exemptions are made by any act or acts of parliament now in being; which other proviſions, alterations or exemptions ſhall be obſerved with reſpect to the duties hereby granted, during the continuance of this act, in the ſame manner as they are to be obſerved with reſpect to the ſaid ſubſidies formerly granted, as aforeſaid.

Drawback on ſugar refined in England, exported,

III. And it is hereby further enacted and declared, That for every hundred weight of ſugar refined in *England* (and ſo in proportion for a greater or leſſer quantity) which ſhall be exported out of this kingdom, within or during the ſaid term of three years, there ſhall be by this act repaid at the cuſtom-houſe to the exporter, within one month after the demand thereof (over and above the ſum of three ſhillings payable by the above recited acts, or one of them) the further ſum of one ſhilling, and no more: oath being firſt made by the refiner, that the ſaid ſugar ſo exported was produced from brown and muſcovado ſugar, charged by this act, and that, as he verily believes, the ſame was imported from her Majeſty's plantations in *America*; and that, as he verily believes, the duty of the ſaid brown and muſcovado ſugar was duly paid at the time of the importation thereof, and that the ſame was duly exported, her Majeſty's ſearcher alſo certifying the ſhipping thereof, and all other requiſites duly performed, according to the book of rates.

over and above the 3 s.

No fee for entry, &c.

IV. And be it further enacted by the authority aforeſaid, That the officers of her Majeſty's cuſtoms, or any of them, or any of their clerks or ſubſtitutes, ſhall not directly or indirectly receive, take, or demand any fee, gratuity, or reward whatſoever, from any of her Majeſty's ſubjects or aliens, for any entry, warrant, debenture, certificate, cocquet, or other matter or thing, to be done or performed by them, or any of them, in relation only to the ſaid ſubſidies of tunnage and poundage herein before granted, on pain of forfeiting for every ſuch offence the ſum of forty pounds (to wit) one third thereof to her Majeſty, and the other two thirds thereof (beſides coſts of ſuit) to the party grieved, who may ſue for the ſame by action of debt, or of the caſe, bill, ſuit, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed.

Penalty 40 l.

V. *And whereas all wines of the growth or product of* France, *or of any dominions under the* French *King, are by ſeveral laws and ſtatutes of this realm liable to the payment of ſeveral duties upon the importation thereof, and particularly by an act of parliament made in the ſeventh year of the reign of his ſaid late majeſty King* William *the Third, intituled,* An act for granting to his Majeſty an additional duty upon all *French* goods and merchandizes; *it was enacted (amongſt other things) That for every tun of* French *wine imported within the time therein mentioned, there ſhould be paid five and twenty pounds above the duties before charged thereupon; but by another act made in the eighth year of the ſame King's reign, intituled,*

7 W. 3. c. 20.

intituled, An act for granting to his Majeſty a further ſubſidy of tunnage and poundage upon merchandize imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war againſt *France*, *is was provided, That nothing in the ſaid act of the ſeventh year of his ſaid late Majeſty's reign ſhould charge any merchandizes of the growth of* France, *which ſhould be* bona fide *ſeized or taken, and condemned as prize, with any further or other duties than what they were or ought to have been charged withal, before the making of the act laſt mentioned*; *and her Majeſty by her royal proclamation, bearing date the firſt day of* June, *in the firſt year of her reign, for the encouragement of her ſhips of war and privateers, hath been pleaſed to ſubject all* French *wines (amongſt other things) taken and condemned as lawful prize, to the payment of the duties and cuſtoms payable by law, other than the ſaid duty of five and twenty pounds* per *tun*: now her Majeſty's ſaid dutiful and loyal ſubjects the commons of *England*, in parliament aſſembled, being deſirous to encourage the trade to *Portugal*, and alſo to raiſe monies for carrying on the preſent war, and other her Majeſty's occaſions, do further grant to her Majeſty the additional duty, herein after-mentioned, upon all *French* wines to be taken and condemned, or adjudged as lawful prize; and do beſeech your Majeſty that it may be enacted: and be it enacted by the authority aforeſaid, That for every tun of any wines of the growth or product of *France*, or of any dominions under the *French* King, ſeized or taken, or to be ſeized or taken by any her Majeſty's ſhips, or by any privateers, or otherwiſe, and which at any time or times, during the term of three years above-mentioned, ſhall be condemned or adjudged as lawful prize, there ſhall be paid to her Majeſty the ſum of fifteen pounds of lawful *Engliſh* money, over and above the duties already charged thereupon, without deduction, and ſo proportionably for a greater or leſſer quantity; the ſame to be raiſed, levied, collected, and paid to her Majeſty's uſe, by ſuch ways and means, and under ſuch penalties and forfeitures, and in ſuch manner and form, as the ſubſidy of wines by this act granted is to be raiſed, levied, collected, and paid, or by deducting the ſame out of the proceed of the reſpective prizes, as the other duties of the ſame wines are directed by the ſaid proclamation to be deducted.

8 W. 3. c. 24.

French wine taken as prize to pay 15 l. per tun, beſide the former duties.

How to be raiſed, &c.

VI. *And whereas ſeveral goods, wares, and merchandizes of the growth, product, or manufacture of the* Eaſt Indies *or* China, *or of other parts within the limits of the charters granted to the companies, and other traders who are allowed to trade to the* Eaſt Indies, *are not particularly rated in the book of rates eſtabliſhed by law, but are by ſeveral laws and ſtatutes now in force charged, upon the importation thereof, with ſeveral duties to be paid according to the values of the ſaid goods, wares, and merchandizes reſpectively*: now for the better ſecuring ſuch duties, and aſcertaining the values, according to which ſuch duties ſhall be paid for the future, it is hereby further enacted by the authority aforeſaid, That from and after the ſaid eighth day of *March*, one thouſand ſeven

Unrated goods of Eaſt India and China, to be entered in the cuſtom-houſe. *See* 11 Geo. 1. c. 7.

hundred and three, upon the importation of any ſuch unrated goods, wares, and merchandizes, of the growth, product, or manufacture of the *Eaſt Indies*, *China*, or other the parts within the limits aforeſaid, now liable to pay duties *ad valorem*, as aforeſaid, by any act or acts of parliament already made in that behalf, during the continuance of the ſame act and acts of parliament, or any of them, an entry or entries thereof ſhall be made in the cuſtom-houſe, where ſuch goods, wares, or merchandizes ſhall be imported, and before the landing thereof, the

Importer to give ſecurity for paying the duties, &c.

importer or importers of the ſame ſhall give ſecurity by bond, with two or more ſufficient ſureties (which the commiſſioners or proper officers of the cuſtoms are hereby impowered to take) for payment of the ſaid duties, according to the real values of

(except coffee)

the ſaid goods, to be aſcertained according to this act (except coffee, the duties whereof are to be regulated according to the

and for expoſing them to ſale, &c.

former acts concerning the ſame) as ſoon as the ſaid goods ſhall be ſold; and alſo for expoſing the goods, ſo imported to ſale, openly and fairly by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof.

How ſuch goods ſhall be valued,

VII. And it is hereby enacted and declared, That the value of ſuch goods, according to which the ſaid duties are to be paid (except coffee, as aforeſaid) ſhall be reckoned according to the groſs price at which ſuch goods ſhall be ſo ſold, making ſuch allowances only out of the ſame as are herein after mentioned; that is to ſay, it is hereby enacted, That out of the values of the ſaid goods ſo to be aſcertained by the price at the candle,

and what deductions and allowances made.

as aforeſaid, there ſhall be a deduction and allowance made of ſo much as the net duties, payable to her Majeſty for the ſame goods reſpectively, do amount unto (except the duty of five pounds *per centum*, payable to the Queen for the uſe of the ſaid companies) and ſo much as the reſpective companies, or traders aforeſaid, ſhall *bona fide* allow for prompt payment to the perſons who at ſuch ſales ſhall buy the ſaid goods at time: and alſo upon the whole values of the ſaid goods ſo to be aſcertained by the price at the candle, there ſhall be deducted and allowed ſix pounds for every hundred pounds to the ſaid companies and traders reſpectively, for their charges in keeping the ſaid goods, from the time ſuch goods are imported till the ſale by the candle, and in that proportion for a greater or leſſer value.

Such unrated goods landed before due entry, &c.

VIII. And be it further enacted by the authority aforeſaid, That in caſe any ſuch unrated goods of the growth, product, or manufacture of the *Eaſt Indies*, *China*, or other the parts within the limits aforeſaid, ſhall be landed or put on ſhore out of any ſhip or veſſel, before due entry thereof be made at the cuſtom-houſe in the port or place where the ſame ſhall be imported, and the ſaid duties ſhall be ſecured, as aforeſaid, or without a warrant for the landing or delivering the ſame, firſt ſigned by the commiſſioners, collectors, or other proper officer or officers of the cuſtoms reſpectively, that all ſuch imported goods as ſhall be ſo landed and put on ſhore, or taken out of any ſhip or veſ-

ſel, contrary to the true meaning hereof, or the value of the ſame, ſhall be forfeited, and ſhall and may be ſeized or recovered of the importer or proprietor thereof (to wit) two thirds of the ſame to the uſe of her Majeſty, her heirs and ſucceſſors (ſhe or they bearing the charge of the proſecution) and the other third part to the uſe of ſuch perſon or perſons as will ſeize, inform, or ſue for the ſame, or the value thereof, by action, bill, ſuit, or information, wherein no eſſoin, protection, or wager of law ſhall be allowed: nevertheleſs the ſaid duties ſo to be paid upon the values ſo aſcertained of the ſaid unrated goods, wares, and merchandizes (except the neceſſary charges of raiſing, collecting, and anſwering the ſame) ſhall be applied and diſpoſed to the ſame uſes and purpoſes to which the reſpective duties upon the ſame goods, payable in any other manner by any former act or acts, were appropriated or applicable.

to be forfeited, &c.

Duties how to be applied.

IX. Provided always, and it is hereby enacted, That in all caſes where by the ſaid former acts concerning the ſaid duties of unrated goods, or any of them, any drawbacks or allowances were to be made of all or any part of the duties, upon the exportation thereof within the reſpective time or times thereby limited, there ſhall be the like drawbacks or allowances made of or out of the duties of the ſame goods, to be aſcertained by this act.

The like drawbacks as by former acts.

X. Provided alſo, That nothing in this act ſhall extend, or be conſtrued to extend to charge any goods or merchandize, chargeable by this act, imported into any port of this kingdom before the firſt day of *March*, one thouſand ſeven hundred and three.

XI. Provided alſo, and be it enacted, That all perſons importing any tobacco, hereby charged with any the duties aforeſaid, ſhall have nine months time, from the entry of the tobacco inwards, for payment of the duty hereby impoſed upon the ſame, giving bond, with ſufficient ſureties, to her Majeſty for payment thereof at the end of the ſaid nine months, as in like caſes is uſual; and in caſe of prompt payment the importer ſhall have a diſcount after the rate of ſix pounds *per centum per annum*.

Nine months given for paying the duties on tobacco.

6 per cent. diſcount on prompt payment.

XII. And for the encouragement of the iron manufacture of this kingdom; be it further enacted by the authority aforeſaid, That from and after the eighth day of *March*, one thouſand ſeven hundred and three, there ſhall not be allowed any drawback, or repayment of cuſtoms, or duties, charged in this or any former act, upon any wares made of wrought iron or ſteel in foreign parts, which ſhall be imported into this kingdom, and afterwards exported to any of her Majeſty's plantations in *America*; any clauſe in this or any former act to the contrary notwithſtanding.

No drawback on wares made of foreign wrought iron, &c.

XIII. *And whereas the time for exportation of tobacco, ſugar, ginger, pepper, bugles* alias *beads, caſt and bar iron, dying wood, all dying wares, and all drugs, by* Engliſh *merchants, in order to draw back, is limited to twelve months, which by experience is found to be*

each perſon's due place and order.

then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after incapable of his place or office; and in caſe the auditor of the receipt ſhall not direct, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks herein offending to be liable to ſuch action, debt, damages, and coſts, in ſuch manner, as aforeſaid: all which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

What ſhall not be accounted undue preference.

XVII. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan or orders for payment, as aforeſaid, bear date or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference, which of thoſe be entred firſt, ſo as he enters them all the ſame day.

XVIII. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their monies and bring their orders, before other perſons that did not come to take their monies, and bring their orders, in their courſe, ſo as there be ſo much money reſerved, as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved, and kept in bank for them.

Orders aſſignable.

XIX. And be it further enacted, That all and every perſon and perſons, to whom any money ſhall be due for loans, by virtue of this or the ſaid former act, after order entered in the book of regiſter, for either of the ſaid acts, as aforeſaid, his or their executors, adminiſtrators, or aſſigns, by indorſement of his order, may aſſign or transfer his right, title, intereſt, and benefit of ſuch order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt aforeſaid, and an entry or memorial thereof alſo made in the proper book of regiſtry aforeſaid for orders, which the officers ſhall upon requeſt, without fee or charge, accordingly make, ſhall intitle ſuch aſſignee, his executors, adminiſtrators, ſucceſſors, and aſſigns, to the benefit thereof, and payment thereon: and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, who have or hath made ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

Clauſe of appropriation.

XX. And be it further enacted by the authority aforeſaid, That all the monies which ſhall be lent to her Majeſty, on the credit

credit of the ſaid ſubſidy and additional duty by this act granted, and all the monies which are or ſhall be lent, contributed, or advanced to her Majeſty, upon every or any other act or acts of this ſeſſion of parliament, for granting any aid or ſupply to her Majeſty, for carrying on the preſent war, and other her Majeſty's neceſſary or important occaſions, and ſo much of the ſeveral taxes and duties by this and the ſaid other acts, or any of them granted, as ſhall remain (over and above ſuch charges as are to be allowed for the raiſing of the ſaid taxes and duties reſpectively, and over and above the monies thereof, which are in the firſt place to go and be applied in repayment and ſatisfaction of all the loans made or to be made thereupon, or upon any of them, and the intereſt thereof reſpectively) ſhall be appropriated, iſſued, and applied, and the ſame are hereby appropriated for or towards the ſeveral uſes and purpoſes herein after expreſſed; that is to ſay, for or towards the defraying the charge of the ordinary of her Majeſty's navy, and other ſervices of the navy, and the victualling thereof, and the ſea ſervice in the office of the ordinance, performed and to be performed; and for or towards the land ſervices, performed and to be performed by the ſaid office of the ordnance; and to and for ſubſiſtence, off-reckonings, and clearings for one year, from the four and twentieth day of *December*, one thouſand ſeven hundred and three, to her Majeſty's guards and garriſons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the ſame; and for or towards the defraying the charge of her Majeſty's army, and ſuch forces as are or ſhall be added thereunto in the *Low Countries*, within or for one year, to be reckoned from the ſaid four and twentieth day of *December*, one thouſand ſeven hundred and three, and the contingent charges thereunto belonging; and for or towards the defraying her Majeſty's part of the charge of the forces acting or to act in conjunction with the forces of the King of *Portugal*, until the five and twentieth day of *December*, one thouſand ſeven hundred and four; and for or towards the payment of her Majeſty's proportion of the ſubſidies due, or to be due, upon treaties made, or to be made, with her Majeſty's allies, and other charges for the ſervice of the war, until the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and four; and for and towards the payment of any ſum, not exceeding five thouſand pounds, for the ſupport of the invalids; and for or towards the diſcharging of the *premiums*, and other charges for circulating the bills, commonly called *Exchequer Bills*; and for or towards the ſatisfaction of the ſum, not exceeding eight hundred ſeventy five pounds, to be paid without account, and free of all taxes, as well for the ſalaries of the five commiſſioners appointed by act of parliament for ſtating the accounts of the army, tranſports, and prizes, during the laſt war, as for incident charges in the execution of their truſt, for one quarter, ending the nine and twentieth day of *March*, one thouſand ſeven hundred and four; and for or towards the

ſatisfaction

ſatisfaction of the ſum of three thouſand five hundred pounds for ſalaries, and any ſum not exceeding two thouſand five hundred pounds for incident charges, to be allowed without account, and free of all taxes, to the ſeven commiſſioners appointed by act of parliament for ſtating the accounts of all publick monies, and to none other uſe, intent, or purpoſe whatſoever: provided always, That out of the monies to be iſſued to the guards and garriſons, as aforeſaid, there ſhall and may be taken and applied, any ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, towards the charge of maintaining the ſoldiers, raiſed and to be raiſed for ſea ſervice, with their officers, and the contingent charges thereunto belonging: and out of the monies to be iſſued for the ſervice of the navy and ſea ſervices, as aforeſaid, there ſhall be taken and applied ſuch ſums, as, together with the ſaid ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, ſhall be neceſſary for the charge of maintaining the ſaid ſoldiers for ſea ſervice, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithſtanding.

1 Annæ, ſtat. 1. c. 13.

XXI. *And whereas by an act of the firſt year of her Majeſty's reign, intituled,* An act for making good deficiencies, and for preſerving the public credit, *ſeveral tallies therein mentioned do amount to five thouſand and ſeventeen pounds, nine ſhillings, one penny, and the orders thereupon for reverſions of annuities were directed to be iſſued to diſcharge ſuch off-reckonings for cloathing, as were become due before the laſt day of* December, *one thouſand ſix hundred ninety ſeven, which off-reckonings being otherwiſe ſatisfied, the ſaid tallies and orders do ſtill remain in the hands of the late paymaſter general of the army; and by the act laſt mentioned it was provided, That ſuch perſon or perſons as ſhould receive ſuch debentures payable out of the forfeited eſtates in* Ireland, *as are thereby directed, for monies due to any troops or companies (over and above what was due for the perſonal pay of the commiſſion officers) ſhould give ſecurity to the paymaſter general of double the value thereof, and at the end of twelve months ſhould return unto the ſaid paymaſter an account upon oath, of all the debentures by him or them iſſued in purſuance of that act, and returning back to the hands of the ſaid paymaſter ſuch debentures as ſhould remain not iſſued out to the end of the ſaid twelve months; in purſuance whereof ſeveral of the ſaid debentures have been returned, and others of them ought to be returned to the hands of the late paymaſter general of the army, or to the paymaſter general thereof for the time being, for the publick uſe and ſervice:* now it is hereby further enacted and declared by the authority aforeſaid, That it ſhall and may be lawful to and for the lord high treaſurer of *England*, or any three or more of the commiſſioners of the treaſury for the time being, to cauſe as well the ſaid orders and tallies, for the ſaid reverſionary annuities remaining undiſpoſed, as aforeſaid; as alſo all and every or any the ſaid debentures returned, or to be returned, to the ſaid late paymaſter, or to the paymaſter general of her Majeſty's forces for the time being,

Treaſury to apply the tallies, &c. for the reverſionary annuities undiſpoſed of, as alſo the debentures returnable to the

being, purſuant to the ſaid ſecurities, or any of them, given or to be given, upon the act laſt mentioned, to be iſſued, paid over, or applied for or towards ſatisfaction of all or any part of the monies due in the reign of his late majeſty King *William* the Third, to the out penſioners of *Chelſea* hoſpital, and ſuch other publick debts as were incurred during the laſt war, as the ſaid lord high treaſurer or commiſſioners of the treaſury ſhall direct, and in ſuch proportions, manner, and form, as to him or them ſhall ſeem meet.

paymaſter general, for ſatisfying the out penſioners of Chelſea hoſpital, &c.

CAP. X.

An act to enlarge the time for the purchaſers of the forfeited eſtates in Ireland, to make the payments of their purchaſe money. 1 Annæ, ſtat. 2. c. 21.

Times allowed to the purchaſers of the forfeited eſtates in Ireland, who have paid one third part of their purchaſe money, for payment of the reſidue. On non-payment at thoſe times, conveyance to be void. All unſatisfied debentures to be regiſtered. EXP. 11 W. 3. c. 2.

CAP. XI.

An act for the making more effectual her Majeſty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majeſty to grant in perpetuity the revenues of the firſt fruits and tenths; and alſo for enabling any other perſons to make grants for the ſame purpoſe.

WHEREAS *at a parliament holden in the ſix and twentieth year of the reign of King* Henry *the Eighth, the firſt fruits, revenues, and profits for one year, upon every nomination or appointment to any dignity, benefice, office, or promotion ſpiritual, within this realm, or elſewhere, within the ſaid King's dominions, and alſo a perpetual yearly rent or penſion, amounting to the value of the tenth part of all the revenues and profits belonging to any dignity, benefice, or promotion ſpiritual whatſoever, within any dioceſe of this realm, or in* Wales, *were granted to the ſaid King* Henry *the Eighth, his heirs and ſucceſſors; and divers other ſtatutes have ſince been made touching the firſt fruits and annual tenths of the clergy, and the ordering thereof: and whereas a ſufficient ſettled proviſion for the clergy, in many parts of this realm, hath never yet been made, by reaſon whereof divers mean and ſtipendiary preachers are in many places entertained to ſerve the cures, and officiate there; who depending for their neceſſary maintenance upon the good-will and liking of their hearers, have been, and are thereby under temptation of too much complying and ſuiting their doctrines and teaching to the humours rather than the good of their hearers, which hath been a great occaſion of faction and ſchiſm, and contempt of the miniſtry: and foraſmuch as your Majeſty, taking into your princely and ſerious conſideration the mean and inſufficient maintenance belonging to the clergy in divers parts of this your kingdom, has been moſt graciouſly pleaſed, out of your moſt religious and tender concern for the church of* England (*whereof your Majeſty is the only ſupreme head on earth*) *and for the poor clergy thereof, not only to remit the arrears of your tenths due from*

26 H. 8. c. 3. 26 H. 8. c. 17. 27 H. 8. c. 8. 32 H. 8. c. 22, & 47. 34 & 35 H. 8. c. 17. 2 & 3 Ed. 6. c. 20. 7 Ed. 6. c. 4. 1 Eliz. c. 4. 5 Annæ, c. 24. 3 Geo. 1. c. 10.

from your poor clergy, but alſo to declare unto your moſt dutiful and loyal commons your royal pleaſure and pious deſire, that the whole revenue ariſing from the firſt fruits and tenths of the clergy might be ſettled for a perpetual augmentation of the maintenance of the ſaid clergy, in places where the ſame is not already ſufficiently provided for: we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *England*, in parliament aſſembled, to the end that your Majeſty's moſt gracious intentions may be made effectual, and that the church may receive ſo great and laſting an advantage from your Majeſty's parting with ſo great a branch of your revenue, towards the better proviſion for the clergy not ſufficiently provided for; and to the intent your Majeſty's ſingular zeal for the ſupport of the clergy, and the honour, intereſt, and future ſecurity of the church, as by law eſtabliſhed, may be perpetuated to all ages, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for the Queen's moſt excellent majeſty, by her letters patents under the great ſeal of *England*, to incorporate ſuch perſons as her Majeſty ſhall therein nominate or appoint, to be one body politick and corporate, to have a common ſeal, and perpetual ſucceſſion; and alſo at her Majeſty's will and pleaſure, by the ſame, or any other letters patents, to grant, limit, or ſettle, to or upon the ſaid corporation, and their ſucceſſors for ever, all the revenue of firſt fruits, and yearly perpetual tenths of all dignities, offices, benefices, and promotions ſpiritual whatſoever, to be applied and diſpoſed of, to and for the augmentation of the maintenance of ſuch parſons, vicars, curates, and miniſters, officiating in any church or chapel within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, where the liturgy and rites of the church of *England*, as now by law eſtabliſhed, are or ſhall be uſed and obſerved, with ſuch lawful powers, authorities, directions, limitations, and appointments, and under ſuch rules and reſtrictions, and in ſuch manner and form, as ſhall be therein expreſſed; the ſtatute made in the firſt year of her ſaid Majeſty's reign, intituled, *An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown*, or any other law to the contrary in any wiſe notwithſtanding.

The Queen may erect a corporation, and ſettle on them, and their ſucceſſors, the firſt fruits and tenths, for augmentation of the maintenance of the meaner clergy.

By 3 Geo. 1. c. 10. *a collector is to be appointed.*

1 Annæ, ſtat. 1. c. 7.

II. Provided always, and it is hereby declared, That all and every the ſtatutes and proviſions, touching or concerning the ordering, levying, and true anſwering and payment, or qualification of the ſaid firſt fruits and tenths, or touching the charge, diſcharge, or alteration of them, or any of them, or any matter or thing relating thereunto, which were in force at the time of making this act, ſhall be, remain, and continue in their full force and effect, and be obſerved and put in due execution according to the tenors and purports of the ſame, and every of them,

All ſtatutes, &c. relating to firſt fruits and tenths to continue in force.

them, for ſuch intents and purpoſes nevertheleſs, as ſhall be contained or directed in or by the ſaid letters patents.

Act not to void any grant, &c. heretofore made of any the ſaid revenues.

III. Provided alſo, That this act, or any thing therein contained, ſhall not extend to avoid, or any way to impeach or affect any grant, exchange, alienation, or incumbrance, at any time heretofore made, of or upon the ſaid revenues of firſt fruits and tenths, or any part thereof; but that the ſame ſhall, during the continuance of ſuch grant, exchange, alienation, or incumbrance reſpectively, be and remain of and in ſuch force and virtue, and no other, to all intents and purpoſes, as if this act had not been made.

27 H. 8. c. 26. Perſons may give lands, tenements, or goods, &c. to the ſaid corporation,

IV. And for the encouragement of ſuch well-diſpoſed perſons as ſhall, by her Majeſty's royal example, be moved to contribute to ſo pious and charitable a purpoſe, and that ſuch their charity may be rightly applied; be it enacted by the authority aforeſaid, That all and every perſon and perſons, having in his or their own right any eſtate or intereſt in poſſeſſion, reverſion, or contingency, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattles, ſhall have full power, licence, and authority, at his, her, and their will and pleaſure, by deed inrolled, in ſuch manner, and within ſuch time, as is directed by the ſtatute made in the twenty ſeventh year of the reign of King *Henry* the Eighth, for inrolment of bargains and ſales, or by his, her, or their laſt will or teſtament in writing, duly executed according to law, to give and grant to, and veſt in the ſaid corporation, and their ſucceſſors, all ſuch his, her, or their eſtate, intereſt, or property in ſuch lands, tenements, and hereditaments, goods and chattles, or any part or parts thereof, for and towards the augmentation of the maintenance of ſuch miniſters as aforeſaid, officiating in ſuch church or chapel, where the liturgy and rites of the ſaid church are or ſhall be ſo uſed or obſerved, as aforeſaid, and having no ſettled competent proviſion belonging to the ſame, and to be for that purpoſe applied according to the will of the ſaid benefactor, in and by ſuch deed inrolled, or by ſuch will or teſtament executed, as aforeſaid, expreſſed: and in default of ſuch direction, limitation, or appointment, in ſuch manner as by her Majeſty's letters patents ſhall be directed or appointed, as aforeſaid. And ſuch corporation, and their ſucceſſors, ſhall have full capacity and ability to purchaſe, receive, take, hold, and enjoy, for the purpoſes aforeſaid, as well from ſuch perſons as ſhall be ſo charitably diſpoſed to give the ſame, as from all other perſons as ſhall be willing to ſell or aliene to the ſaid corporation any manors, lands, tenements, goods, or chattles, without any licence or writ of *Ad quod damnum*, the ſtatute of *Mortmain*, or any other ſtatute or law to the contrary notwithſtanding.

or ſell or aliene any manors, lands, &c.

Perſons excepted from making ſuch gifts, &c.

V. Provided always, That this act or any thing therein contained ſhall not extend to enable any perſon or perſons, being within age, or of *None ſane* memory, or women covert, without their huſbands, to make any ſuch gift, grant, or alienation;

tion; any thing in this act contained to the contrary in any wiſe notwithſtanding.

VI. *And whereas four bonds for four half yearly payments of the firſt fruits, as the ſame are rated, and alſo a fifth bond for a further value or payment, in reſpect of the ſame firſt fruits, have been required and taken from the clergy, to their great and unneceſſary burden and grievance:* for remedy thereof be it enacted and declared by the authority aforeſaid, That from and after the twenty fifth day of *March*, in the year of our Lord one thouſand ſeven hundred and four, one bond only ſhall in ſuch caſe be given or required for the four payments of the ſaid firſt fruits: which ſaid firſt fruits, as well as the tenths payable by the clergy, ſhall hereafter be anſwered and paid by them according to ſuch rates and proportions only as the ſame have heretofore been uſually rated and paid: and no ſuch fifth bond already given ſhall, from and after the ſaid twenty fifth day of *March*, in the year one thouſand ſeven hundred and four, be ſued or recovered.

One bond only to be taken for the four payments of the firſt fruits.

CAP. XII.

13 & 14 Car. 2. c. 3. An act for raiſing the militia for the year one thouſand ſeven hundred and four, notwithſtanding the month's pay formerly advanced be not repaid.

Militia forces may be drawn out into actual ſervice any time before 24th June, 1705. notwithſtanding the one month's pay formerly advanced be not repaid. EXP.

CAP. XIII.

2 W. & M. ſſ. 1. c. 9. 1 Annæ, ſtat. 1. c. 28. An act for prolonging the time by an act of parliament, made in the firſt year of her Majeſty's reign, for importing thrown ſilk of the growth of Sicily, from Leghorn. EXP.

CAP. XIV.

An act for the better ſecuring and regulating the duties upon ſalt.

WHEREAS *great ſums of money are paid out of her Majeſty's duties upon ſalt, on account of debentures for ſalt ſhipped to be exported to foreign parts; and it is found by experience, that great part of the ſalt, for which ſuch debentures have been paid, hath been fraudulently landed on the coaſts of* England *and* Wales, *and not exported to any foreign parts, or having been actually landed in* Ireland, *or other places out of* England *and* Wales, *have been ſhipped off again from thence, and fraudulently brought into* England *or* Wales; *by which evil practices her Majeſty's ſaid duties are very much leſſened in the produce thereof, and the ſalt makers, who pay their full duties, are very much prejudiced and diſcouraged in their trade, by reaſon they cannot ſell their ſalt in places which are ſupplied with ſalt run, as aforeſaid:* for remedy whereof be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That no ſalt whatſoever, being of the produce or manufacture of *England*, *Wales*, *Berwick* upon *Tweed*, *Scotland*, or *Ireland*, nor any

No ſalt coming from Ireland, Scotland,

any other ſalt coming from *Ireland*, *Scotland*, or the iſle of *Man*, ſhall, after the firſt day of *June*, one thouſand ſeven hundred and four, be imported or brought into any port or place within *England*, *Wales*, or *Berwick* upon *Tweed*, nor be taken out of any ſhip or veſſel, nor put on ſhore within any of the ſaid ports or places, upon pain that all the ſalt ſo imported or brought in, taken out of any ſhip or veſſel, or landed, or put on ſhore, contrary to the true intent and meaning of this act, ſhall be forfeited and loſt; and that the ſhip or veſſel in which any ſuch ſalt ſhall be ſo imported or brought in, or out of which any ſuch ſalt ſhall be taken or put on ſhore, together with all her tackle and apparel, ſhall alſo be forfeited and loſt; and every perſon that ſhall take any ſuch ſalt out of any ſuch ſhip or veſſel, or carry the ſame on ſhore, or convey the ſame from the ſhore when landed, or be aiding or aſſiſting therein, ſhall forfeit the ſum of twenty pounds for every ſuch offence, or ſuffer ſix months impriſonment.

or the iſle of Man, to be imported. *Further proviſions for this purpoſe by* 5 Geo. 1. c. 18. f. 23. Forfeiture.

II. And be it further enacted, That it ſhall and may be lawful to and for any of the officers for the ſaid duties upon ſalt, at any time within two months after the importation or landing any ſuch ſalt, and not afterwards, to ſeize the ſalt ſo imported or taken out of any ſhip or veſſel, or landed or put on ſhore, or conveying from the ſhore; and alſo the ſhip or veſſel in which ſuch ſalt was imported, together with all her tackle and apparel: and in caſe the owner of ſuch ſalt or ſhip ſhall not, within twenty days after ſuch ſeizure, claim the ſalt and ſhip ſo ſeized, and alſo give ſufficient ſecurity to anſwer the value thereof; then, and in every ſuch caſe, the ſalt and ſhip, with all her tackle and apparel, ſhall be ſold to the beſt advantage.

Salt ſo imported may in two months after be ſeized; alſo the ſhip; and if not claimed in 20 days may be ſold.

III. Provided nevertheleſs, That nothing in this act ſhall extend, or be conſtrued to extend, to any ſalt which ſhall be ſhipped, to be carried coaſtwiſe, by certificate from one port to another in *England*, *Wales*, or *Berwick* upon *Tweed*, according to the directions of the former acts relating to the ſaid duties.

Salt carried coaſtwiſe excepted.

IV. Provided alſo, That in caſe where any ſalt ſhall have been entred and ſhipped to be exported to foreign parts, according to the directions of the former acts in that behalf, and the ſhip or veſſel, laden with ſuch ſalt, ſhall by ſtreſs of weather, enemies, or other unavoidable neceſſities, be forced into any port or place within *England*, *Wales*, or *Berwick* upon *Tweed*, it ſhall and may be lawful to and for the owner of ſuch ſalt, or maſter of ſuch ſhip, within twenty days after her coming into ſuch port, to re-land the ſaid ſalt, ſo as due entry be made, and the duties again paid down for the whole quantity of ſalt that was entred to be exported, before any part thereof ſhall be re-landed, and not otherwiſe; any thing in this act or any other law or ſtatute to the contrary notwithſtanding.

Salt forced into any port by ſtreſs of weather, &c. may be re-landed.

V. Provided alſo, That in caſe where any fiſherman ſhall have taken any ſalt on board his boat or veſſel from any part of *England*, *Wales*, or *Berwick* upon *Tweed*, for the ſalting of fiſh at ſea, it ſhall and may be lawful for any ſuch fiſherman to bring in

Fiſherman may land ſalt taken on board for ſalting fiſh, on oath made, &c.

in and land any ſuch ſalt ſo taken on board, ſo as oath be made before the landing thereof (which oath the officer for the ſaid duties hath hereby power, and is hereby directed to adminiſter, without fee or charge) that the particular quantity of ſalt, ſo to be landed, was taken on board from ſome part of *England*, *Wales*, or *Berwick* upon *Tweed*, and at what place it was taken on board, and that no part thereof was taken out of any ſhip or veſſel at ſea; any thing in this act or any other ſtatute to the contrary notwithſtanding.

Allowance of ſalt for ſhip's proviſion, or for curing fiſh, &c.

VI. Provided alſo, That in caſe where any ſhip or veſſel ſhall come into any port of *England*, *Wales*, or *Berwick* upon *Tweed*, from *Ireland*, or any other foreign part, having on board any quantity of ſalt, which was taken in only for the neceſſary proviſions of the ſhip for ſuch voyage, or for curing of fiſh, it ſhall and may be lawful to and for the maſter of ſuch ſhip or veſſel to land the ſaid ſalt, ſo as entry be made thereof within ten days after his firſt coming into ſuch port, and the duties paid down or ſecured for the ſame, before the ſame, or any part thereof, ſhall be landed or taken out of any ſuch ſhip or veſſel, in the ſame manner as the duties of foreign ſalt imported are to be paid or ſecured: any thing in this act or any other ſtatute to the contrary notwithſtanding.

What forfeited upon neglect of ſuch entries by 5 Geo. 1. c. 18. ſ. 18.

No ſalt to be brought out of Scotland by land, into England. Penalty. Salt officers to ſeize ſuch ſalt, &c.

VII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and four, no ſalt ſhall be brought out of *Scotland* by land, into any part of *England*, or town of *Berwick* upon *Tweed*, or precincts thereof, on pain of forfeiting the ſalt ſo brought into any of the ſaid places, and twenty ſhillings a buſhel, and ſo proportionably for a greater or leſſer quantity; and that it ſhall and may be lawful to and for any of the officers for the duties upon ſalt, to ſeize any ſalt ſo brought into any of the ſaid places, and to apprehend the perſon and perſons who ſhall bring in the ſame, and to carry him, her, or them before any of her Majeſty's juſtices of the peace near the place where ſuch ſeizure ſhall be made; and if, upon full proof of the fact, ſuch offender ſhall not pay down the ſaid penalties by this act impoſed, ſuch juſtice ſhall commit ſuch offender to the next gaol, there to remain for the ſpace of ſix months without bail or mainprize.

5 W. & M. c. 7. ſ. 11.

VIII. *And whereas by an act of parliament made in the fifth year of the reign of the late King* William *and Queen* Mary, *intituled*, An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt *France*; *it is amongſt other things enacted, That no ſalt ſhall be delivered from any ſalt works or pits, without notice firſt given to the officer appointed for that purpoſe, upon pain of forfeiture of the ſalt ſo delivered, and upon pain of twenty pounds to be forfeited by the owner or owners of the ſalt works or pits, where ſuch ſalt ſhall be delivered:*

liuered: and whereas ſeveral ſalt makers have been, and others may be, ſubjected to the ſaid penalties of twenty pounds, by the evil practices of ſalt carriers, and others, who convey ſalt from the ſalt works without a warrant or permit for conveying the ſame; for preventing whereof be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and four, as well the carrier, or perſon who ſhall carry or convey any ſalt without a warrant or permit for carrying the ſame, as the proprietor of the ſalt works, who ſhall deliver ſalt without notice firſt given, ſhall forfeit the ſaid ſum of twenty pounds.

Penalty on ſalt carrier carrying ſalt without a permit.

IX. *And whereas in and by the ſaid act of parliament made in the fifth year of the reign of the late King* William *and Queen* Mary, *and by ſeveral other acts relating to the ſaid duties upon ſalt; it is amongſt other things provided, That any perſon, who ſhall export beyond the ſeas any ſalt, as well foreign as* Engliſh, *or any rock ſalt, ſhall, upon a debenture made out according to the direction of the ſaid acts, be repaid the duties of ſuch ſalt ſo exported: and whereas ſome doubts and controverſies have been made, whether ſalt ſhipped and exported to* Scotland, *the iſle of* Man, *or the iſlands of* Jerſey *and* Guernſey, *be an exportation of ſalt within the intent and meaning of the ſaid acts, ſo as to intitle the exporter to a drawback of the duties of the ſalt ſo exported:* for preventing of all ſuch controverſies and diſputes, be it enacted and declared by the authority aforeſaid, That it was and is the intent and meaning of the ſaid acts, that any perſon exporting any ſalt to *Scotland*, the iſle of *Man*, or the iſlands of *Jerſey* and *Guernſey*, according to the directions of the ſaid acts, is and ſhall be intitled to a drawback of the duties of the ſalt ſo exported, and ſhall be repaid the ſame, in ſuch manner, and under ſuch conditions, as are directed and required by the ſaid acts, in caſe of the exportation of ſalt to any other foreign parts; any thing in the ſaid acts or any other law or ſtatute to the contrary in any wiſe notwithſtanding.

Farther proviſions relating hereto by 5 Annæ, c. 29. ſ. 16.

Salt exported to Scotland, the iſle of Man, or Jerſey and Guernſey, intitled to a drawback.

X. Provided always, and it is further enacted by the authority aforeſaid, That where any ſalt or rock ſalt (the duties whereof ſhall have been paid or ſecured to be paid, according to the direction of the former laws, relating to the ſaid duties on ſalt) ſhall from and after the firſt day of *June*, one thouſand ſeven hundred and four, be ſhipped or laid on board any ſhip or veſſel, in any port, river, or place within this kingdom of *England*, or the dominion of *Wales*, or town of *Berwick* upon *Tweed*, in order to be exported to parts beyond the ſeas, or be carried coaſtwiſe; and the ſaid ſalt or rock ſalt, ſo ſhipped or laid on board, ſhall happen to periſh by the ſinking of the ſhip or veſſel, on which the ſame ſhall be ſhipped or laid on board, before the ſaid ſhip or veſſel ſhall go out of ſuch port or place, and before the exporter of ſuch ſalt ſhall be intitled to a drawback or allowance of the duties thereof, then and in ſuch caſe the exporter or proprietor of the ſaid ſalt or rock ſalt, ſo periſhed, ſhall, upon proof made before the juſtices of the peace, at the next general quarter ſeſſions of the peace, to be held for the county, city, riding, diviſion, or place next to the place where the

Salt ſhipped for exportation, and periſhing in port, by the ſinking of the ſhip, &c.

ſaid ſalt or rock ſalt ſhall ſo periſh, of the loſs of the ſalt or rock ſalt ſo ſhipped, receive from the ſaid ſeſſions a certificate, that ſuch proof was made before them, and upon producing the ſaid certificate to any of her Majeſty's collectors or officers appointed to collect the ſaid duties on ſalt, the ſaid collectors and officers are hereby required to let the ſaid exporter or proprietor buy the like quantity of ſalt or rock ſalt, as is expreſſed in the ſaid certificate to be ſo periſhed, without paying to her Majeſty any duty of exciſe for the ſame, in the ſame manner as if ſuch ſalt or rock ſalt had ſo periſhed going coaſtwiſe from one port of *England* to another.

Proprietor to buy the like quantity, duty free.

XI. Provided always, and be it further enacted, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act in evidence for his defence; and if upon a trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs be nonſuit, diſcontinue, or forbear proſecuting the ſaid actions, then ſuch defendant or defendants ſhall have double coſts to him or them awarded againſt ſuch plaintiff or plaintiffs, for which coſts he ſhall have ſuch remedy, as in other caſes where coſts are by law given to defendants.

General iſſue.

Double coſts.

XII. And be it further enacted by the authority aforeſaid, That the ſeveral penalties and forfeitures, hereby given and impoſed, ſhall be recovered and levied by the ſame ways, means, and methods, as any penalties and forfeitures can or may be recovered and levied by any of the laws of exciſe, or by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, nor any more than one imparlance ſhall be allowed; and that the ſaid penalties and forfeitures ſhall be diſtributed in manner following (to wit) one moiety thereof to her Majeſty, her heirs, and ſucceſſors, and the other moiety to him or them that will ſue or inform for the ſame.

Penalties and forfeitures how to be recovered.

XIII. *And whereas it is found by experience, that great quantities of fiſh, which have been cured at ſea, or in* Ireland, *or other parts not within* England, Wales, *or* Berwick *upon* Tweed, *with ſalt, for which the duties have not been anſwered and paid, have been imported or brought into* England, Wales, *or* Berwick *upon* Tweed, *by which practice her Majeſty, and the* Engliſh *fiſhery, are very much prejudiced:* for remedy whereof be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and four, no herrings, pilchards, ſcads, codfiſh, ling, hake, ſalmon, or dried red ſprats whatſoever, or by whomſoever caught or cured, ſhall be imported, brought in, or landed within *England*, *Wales*, or *Berwick* upon *Tweed*, unleſs the owner or proprietor of ſuch fiſh, or the maſter of the veſſel, ſhall make oath before the officer for the ſaid duties on ſalt, in the port or place where ſuch fiſh ſhall be imported, brought in, or landed (who ſhall adminiſter the ſame without fee or charge) that all the ſalt wherewith the ſaid fiſh was cured,

No herrings, pilchards, ſcads, codfiſh, ling, hake, ſalmon, &c. ſhall be imported or landed, unleſs oath be made, that the ſalt wherewith ſuch fiſh was cured, was laden from

was

was laden or put on board from ſome part of *England*, *Wales*, or *Berwick* upon *Tweed*, and when and where the ſame was ſo put on board, and that no drawback or allowance, or debenture for the ſame, hath to his knowledge or belief been had or obtained upon the exportation or carrying out of the ſaid ſalt, or any part thereof, or is intended to be had or obtained on account of ſuch exportation, upon pain of forfeiting ſuch fiſh that ſhall be imported, brought in, or landed contrary to the intent and meaning hereof, and double the value thereof, to be recovered of the importer or proprietor thereof.

England, &c. and no drawback allowed on exportation, &c. Penalty.

XIV. Provided, That nothing in this act ſhall extend to prohibit the importing and landing any codfiſh, ling, or hake, which have been caught and cured at *Newfoundland* or *Iſeland*, ſo as oath be firſt made before the landing thereof by the owner or proprietor of ſuch fiſh, or the maſter of the veſſel, before the officer for the ſaid duties in the port or place where ſuch fiſh ſhall be imported, brought in, or landed (who ſhall adminiſter the ſame without fee or charge) that all the fiſh ſo imported came from *Newfoundland* or *Iſeland*, and were caught and cured there, and ſo as the ſaid fiſh be at the landing thereof, and before the ſame be removed from the ſhore, tendered to the officer of the port for the ſaid duties, to have part of the tail of every ſuch codfiſh, ling, or hake cut off, that no allowance for ſuch fiſh be obtained upon exportation; and the ſaid officer is hereby impowered and required to cut off part of the tail of all ſuch fiſh on the importation thereof: and in caſe any ſuch fiſh ſhall be landed before the ſame ſhall be tendered to the officer, to have part of the tail cut, as aforeſaid, all the fiſh, ſo imported and landed, ſhall be forfeited, and double the value thereof, to be recovered of the importer or proprietor thereof; to wit, one moiety thereof to the Queen, the other moiety thereof to him or them who ſhall proſecute or ſue for the ſame.

Newfoundland or Iſeland fiſh, excepted. Part of the tail of ſuch fiſh to be cut off. Penalty on landing the ſame before tender thereof made *provifion is made by* 4 Annæ, c. 12. § 12. *for codfiſh, &c. imported from the* North Sea.

XV. *And whereas the proprietors, who have given ſecurities at their works or pits for the duty of ſalt or rock ſalt bought of them, do often ſuffer damage by frauds committed in the exportation without their privity:* for remedy whereof be it enacted by the authority aforeſaid, That where any ſalt or rock ſalt ſhall, after the firſt day of *June*, one thouſand ſeven hundred and four, be entred, and ſecurity ſhall be given for the duties, and certified to the officer, according to the former laws relating to the duties on ſalt, no ſuch ſalt or rock ſalt ſhall afterwards be entred for exportation by any perſon or perſons not bound in the ſecurity firſt given, as aforeſaid, until ſuch perſon or perſons, ſo exporting ſuch ſalt or rock ſalt, ſhall give or find ſufficient ſecurity for the duties thereof (which the officer for the ſaid duties at the port where the ſame is ſo entred for exportation is hereby required to take) and the ſame officer ſhall deliver *gratis*, and without delay, a certificate of ſuch new ſecurity taken, and upon producing ſuch certificate to the officer of the place where the duty of the ſaid ſalt was firſt ſecured to be paid, ſuch firſt ſecurity ſhall be diſcharged.

Where ſalt is entred, and the duties ſecured, no ſuch ſalt ſhall afterwards be entred for exportation by any perſon not bound in the firſt ſecurity, till ſecurity given for the duties, &c.

Tenants paying their rent in ſalt, to be allowed ſo much as the duty comes to.

XVI. *And whereas by ſeveral leaſes, grants, or contracts, made before the ſixth day of* November, *one thouſand ſix hundred ninety three, certain rents payable in ſalt were reſerved, granted, or agreed to be paid out of or for divers lands, tenements, or hereditaments; and it is evident that the impoſing the preſent duties on ſalt, ſince the making the ſaid leaſes, grants, or contracts, doth in effect increaſe the ſaid rents, and make them more burdenſome to the perſons liable thereunto*; it is therefore enacted and declared by the authority aforeſaid, That when the owners, proprietors, and tenants of ſuch lands, tenements, and hereditaments, ſo charged by any leaſes, grants, or contracts, made before the time aforeſaid, do from and after the five and twentieth day of *December*, one thouſand ſeven hundred and three, pay or deliver any ſuch rent in ſalt, the perſon or perſons, who ſhall receive the ſame, ſhall be obliged by this act to pay to him or them, who ſhall make ſuch payments of ſalt in kind, ſo much money as the duty and duties paid or payable to her Majeſty for the ſame ſalt, by any act or acts of parliament made ſince the ſaid ſixth day of *November*, one thouſand ſix hundred ninety three, do amount unto.

Guernſey bay ſalt may be imported during the war, not exceeding 4000 buſhels per annum.

XVII. Provided always, and it is hereby enacted, That it ſhall and may be lawful, during the preſent war, to bring in bay ſalt of the produce of the iſland of *Guernſey*, upon paying the ſame, and no higher or other duty, than what is or ſhall be laid upon ſalt made in *England*, and ſo as the ſame ſalt ſo to be imported ſhall be imported in the ports of *Yarmouth* in *Norfolk*, *Portſmouth*, *Plymouth*, and *Falmouth*, or any of them, and ſhall not exceed in the whole four thouſand buſhels in any one year, ſo as due entry (according to law) be made of the ſame, for which ſalt no drawback ſhall be allowed upon the exportation thereof; any thing in this preſent act, or any other act, contained to the contrary thereof in any wiſe notwithſtanding.

No drawback allowed.

Salt loſt at ſea by ſtormy weather, &c. owners to buy the ſame quantities ſo loſt, without paying duty.

XVIII. *And whereas divers merchants, and other perſons, being ſubjects of this realm of* England, *do ſhip ſalt that hath paid the duty to her Majeſty, to convey it to ſome part of* England, *and the ſame or part thereof may be loſt at ſea, by violent or ſtormy weather, or by being thrown over board for preſerving mens lives, or the veſſel in which ſuch ſalt is ſhipped, as aforeſaid*; be it therefore enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and four, in ſuch caſe any merchant or perſon, owner of the ſaid ſalt, ſhall, upon proof made (by the oaths of two or more credible witneſſes, whereof the maſter or mate of the veſſel to be one, before the juſtices of the peace at the quarter ſeſſions held for the county, riding, diviſion, or town wherein he doth inhabit, in open court) of the loſs of ſuch ſalt ſo ſhipped, and that the ſame was not occaſioned by any leakage of the ſhip or veſſel, or by any negligence or default of the maſter or mariners, receive from the ſaid ſeſſions a certificate that ſuch proof was made before them, and upon producing the ſaid certificate to any of the officers appointed to collect the duties on ſalt, the ſaid officer or officers are hereby required to let ſuch perſons buy the like quantity of ſalt, as is expreſſed

This privilege extended by 8 Geo. 1. c. 4.

expreſſed in the certificate to be loſt, without paying to her Majeſty, her heirs or ſucceſſors, any duty or exciſe for the ſame; any thing in this act or any other act contained to the contrary notwithſtanding. *ſ. 11. to all merchants in general.*

XIX. *And whereas in the late violent ſtorms, which happened in the months of* November *and* December, *one thouſand ſeven hundred and three, two veſſels laden with ſalt from* Newcaſtle *to the* Humber, *were by ſtreſs of weather blown into* Holland, *and the maſters did there unlade and ſell the ſaid ſalt*; be it therefore enacted by the authority aforeſaid, That upon proof made thereof, upon the oath of two credible witneſſes, the proprietor or proprietors of the ſaid ſalt ſhall be intitled to the drawback upon the ſame, as if the ſaid ſalt had been entred for exportation into parts beyond the ſeas; any thing in this or any former law to the contrary notwithſtanding. Two ſhips with ſalt drove into Holland by ſtreſs of weather, and the ſalt there ſold, proprietors intitled to the drawback.

XX. *And whereas by an act made in the firſt year of the reign of her preſent Majeſty it is enacted, That no rock ſalt whatſoever ſhall be refined or made into white ſalt in any place or places whatſoever, within the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *except in ſuch places as are or ſhall be within ten miles diſtance of the reſpective pit or pits, from whence ſuch rock ſalt ſhall be taken, or at ſuch places as, on or before the tenth day of* May, *one thouſand ſeven hundred and two, ſhall have been uſed for the refining rock ſalt, under a penalty therein expreſſed: and whereas* Lawn Marſh *in the county of* Carmarthen *hath been an ancient place uſed for making ſalt from ſea water; and upon ſeveral occaſions rock ſalt is very uſeful to ſtrengthen the brine in the ſaid work, when weakened by freſh water, or other accidents; but the proper uſe of the ſaid ſalt work not being for the refining rock ſalt, it hath been doubted whether rock ſalt might be there uſed:* for preventing ſuch doubts for the future be it enacted and declared by the authority aforeſaid, That rock ſalt may be ſo uſed in the making ſalt from ſea water in the ſalt works at *Lawn Marſh* aforeſaid; any thing in the ſaid act or in any other law or ſtatute to the contrary notwithſtanding; ſo as her Majeſty's duties for all the ſalt proceeding as well from the ſaid rock ſalt, as from the ſea water, be duly charged, anſwered, and paid to her Majeſty's uſe. 1 Annæ, ſtat. 1. c. 21. 8 Geo. 2. c. 12. Rock ſalt may be uſed in making ſalt at *Lawn Marſh*, ſo as the duties be paid.

CAP. XV.

An act for the better and more regular paying and aſſigning the annuities, after the rate of three pounds per centum per annum, *payable to ſeveral bankers, and other patentees, or thoſe claiming under them.*

WHEREAS *by an act of parliament made in the twelfth year of the reign of our late ſovereign lord King* William *the Third (of glorious memory) intituled,* An act for appropriating three thouſand ſeven hundred pounds weekly out of certain branches of exciſe, for publick uſes, and for making a proviſion for the ſervice of his Majeſty's houſhold and family, and other his neceſſary occaſions; *it was amongſt other things enacted, That* 12 W. 3. c. 12.

in lieu and diſcharge of certain perpetual annual payments, and of all arrears thereof, granted by his late Majeſty King Charles *the Second to the reſpective patentees therein named, the hereditary revenue of exciſe, in the ſaid act mentioned, ſhould from and after the twenty ſixth day of* December, *one thouſand ſeven hundred and five, be and ſtand charged for ever with the payment of annual ſums after the rate of three pounds* per centum per annum, *for the principal ſums mentioned in the ſaid reſpective letters patent, to be iſſued and paid out of the ſaid revenue, by quarterly payments, out of the receipt of the Exchequer, by the officers of the ſame, unto the reſpective owners and proprietors of the ſeveral annual ſums, and to their heirs and aſſigns for ever, without any further or other warrant, to be ſued for, had, and obtained in that behalf; the ſaid annual payments, after the rate of three pounds* per centum, *to be ſubject nevertheleſs to be redeemed, on payment of a moiety of the principal ſums mentioned in the ſaid reſpective letters patent: and whereas by an act of parliament made in*

1 Annæ, ſtat. 1. c. 7. *the firſt year of the reign of her preſent Majeſty, intituled,* An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown, *it is (amongſt other things) enacted, That from and after the expiration of the term of five years therein mentioned, ſo much money as, together with the ſaid payments, after the rate of three pounds* per centum per annum, *ſhould make up the ſum of three thouſand ſeven hundred pounds for every week, during her Majeſty's life, ſhould and might be taken out of the ſaid hereditary duties of exciſe, and out of the duties of exciſe thereby granted for her Majeſty's life, and either or any of them; and the ſaid payments, after the rate of three pounds* per centum per annum, *being deducted out of the hereditary part thereof, the reſidue of the ſaid three thouſand ſeven hundred pounds a week ſhould be applied and diſpoſed of to and for the publick uſe and ſervice: and whereas by an act of*

5 & 5 Annæ, c. 3. *this preſent ſeſſion of parliament, intituled,* An act for granting an aid to her Majeſty for carrying on the war, and other her Majeſty's occaſions, by ſelling annuities at ſeveral rates, and for ſuch reſpective terms and eſtates, as are therein mentioned; *it is (amongſt other things) enacted, That from and after the five and twentieth day of* December, *in the year of our Lord one thouſand ſeven hundred and five, the ſaid full, clear, and entire weekly ſum of three thouſand ſeven hundred pounds, out of all the monies ariſing by the ſaid hereditary duties of exciſe, and by the ſaid duties of exciſe payable during her Majeſty's life, and by every and any of them, according to the tenour and direction of the act of parliament above recited in that behalf; and from and after her Majeſty's deceaſe, then the like full, clear, entire, and weekly ſum of three thouſand ſeven hundred pounds, of lawful* Engliſh *money, out of all the monies to ariſe by the ſaid hereditary duties of exciſe, and every or any of them, from time to time for ever, ſhall be brought and paid into the receipt of the Exchequer; and that out of the monies of the ſaid hereditary duties of exciſe, ariſing in or by ſuch weekly payments at the Exchequer, as aforeſaid, the ſaid annual ſums, after the rate of three pounds*

12 W. 3. c. 12. per centum per annum, *preſcribed by the ſaid act, made in the parliament holden in the twelfth year of the reign of his late Majeſty King*

King William *the Third, ſhall be ſatisfied and paid, according to the directions therein contained, and ſubject to the power of redemption therein mentioned, as by the ſaid ſeveral acts, relation being thereunto had, more at large may appear:* now for the better and more regular paying and aſſigning the ſaid annuities, after the rate of three pounds *per centum per annum*, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That the auditor of the receipt of her Majeſty's Exchequer, for the time being, ſhall with all convenient ſpeed, ſearch the books and entries in his office, and from thence, or from the original letters-patents, aſſignments, or other aſſurances to him to be produced, ſhall make a certificate to the lord high-treaſurer, or commiſſioners of the treaſury, for the time being, of the names of the ſeveral and reſpective perſons that are or ſhall be then intitled to the ſaid annuities after the rate of three pounds *per centum per annum* reſpectively, expreſſing the principal ſums due, and the annuities, after the rate aforeſaid, payable to the ſaid owners or proprietors reſpectively.

Theſe annuities were ſubſcribed to the South Sea ſtock. 6 Geo. 1. c. 4.

Auditor to certify perſons names to the lord-treaſurer that are intitled to annuities at 3 l. per cent. per ann.

II. And be it further enacted by the authority aforeſaid, That the ſaid reſpective perſons ſhall have one or more ſtanding warrants, and orders (the ſaid orders to be made forth upon parchment or vellum, paying the uſual fees; and no more, which fees ſhall not exceed one peny, for every twenty ſhillings by the year, or after that rate) for the payment of ſuch annuity or annuities ſo to be certified to be paid to them reſpectively, and to their reſpective executors, adminiſtrators and aſſigns, until the ſame ſhall be redeemed, as aforeſaid, out of the monies of the ſaid weekly-payments, to ariſe by or from the ſaid hereditary duties of exciſe; the ſaid payments of the ſaid annuities to be made quarterly; the firſt payment to be made on the twenty-ſeventh day of *March*, which ſhall be in the year of our Lord, one thouſand ſeven hundred and ſix; which ſaid orders ſhall be ſigned by the treaſurer and under-treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being; and after the ſigning the ſaid orders, and every of them, the ſame ſhall be firm, good, valid and effectual in law, according to the purport and true meaning thereof, and of this preſent act, and ſhall not be determined by or upon the death or removal of any treaſurer or under-treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office or offices of them, or any of them; nor ſhall any lord high-treaſurer of *England*, treaſurer of the Exchequer, or any commiſſioners of the treaſury, now or for the time being, have power to revoke, countermand or make void ſuch orders ſo ſigned, as aforeſaid, or any of them.

Every perſon to have a warrant for payment, paying 1 d. in the pound fees.

Payments to be made quarterly.

Orders to be ſigned by the lord-treaſurer, &c.

Such orders not to be made void.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the perſon and perſons, that are or ſhall be intitled to the ſaid annuities reſpectively,

Annuities may be aſſigned or deviſed,

and his, her and their reſpective executors, adminiſtrators, or aſſigns, by writing under his, her or their hand and ſeal, or by his, her or their laſt will and teſtament in writing, to aſſign or deviſe ſuch annuity or annuities, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*; and no ſuch aſſignment by deed to be revocable, ſo as any entry or memorandum of ſuch aſſignment or will be made, in books to be kept for that purpoſe, in the ſaid office of the auditor of the receipt, within the ſpace of three months after ſuch aſſignment or probate of the will; and that upon producing of ſuch aſſignment or will, or probate thereof, at the ſaid office of the auditor of the receipt, to be entred, as aforeſaid, the party ſo producing the ſame, ſhall bring therewith an affidavit taken before ſome perſon authorized to take affidavits in cauſes depending in any of the courts at *Weſtminſter*, of the due execution of the ſaid aſſignment, or ſigning, ſealing and publiſhing of the ſaid will, which affidavits ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum, the officers in the ſaid receipt of the Exchequer are hereby required to make accordingly, and to file the affidavits, taking for the entring of every ſuch aſſignment or deviſe, and filing the ſaid affidavit, the ſum of one ſhilling, and no more: and in default of ſuch aſſignment or deviſe by deed or will, the annuity of ſuch perſon or perſons ſhall upon his death, go to his or her executors or adminiſtrators.

and not revocable, ſo as entry be made thereof.

Affidavit.

Affidavits to be filed.

Fee.

Annuities free from taxes, and to be as a perſonal eſtate and not deſcendable to heir.

IV. And be it further enacted by the authority aforeſaid, That the ſaid annuities ſhall be free from all taxes, charges and impoſitions whatſoever; and that all and every perſon and perſons who ſhall be intitled to any of the ſaid annuities, to be comprized in ſuch order or orders to be ſigned, as aforeſaid, after the ſigning of the ſaid orders reſpectively, ſhall be poſſeſſed thereof as of a perſonal eſtate, and the ſame ſhall not be deſcendable to the heir.

Officers in the Exchequer to take 2d. in the pound.

V. Provided always, That the officers in the receipt of her Majeſty's Exchequer, for the labour and pains of themſelves and their clerks in the payment of the ſaid annuities, ſhall or may (in lieu of their fees) take and receive after the rate of two pence in the pound, and no more, to be divided amongſt them in ſuch proportion as their lawful fees are to be divided; any thing in this, or the ſaid former acts, contained to the contrary notwithſtanding.

Perſons intitled to annuities in right of their wives, not to diſpoſe of ſuch annuities, unleſs the wife be a party to the aſſignment,

VI. Provided always, and it is hereby enacted, That ſuch ſtanding warrants and orders to be made, as aforeſaid, of any of the ſaid annuities, or any part thereof, wherein any perſon on the eleventh day of *March*, in the year of our Lord, one thouſand ſeven hundred and three, ſhall be intitled in the right of his wife, ſhall be made out jointly in the names of ſuch perſon and his wife; and that no perſon or perſons intitled, as aforeſaid, to any of the ſaid annuities, or any part thereof, in the right of his wife, ſhall be capable to ſell, or any ways to diſpoſe thereof, at any time during their coverture, without the free and voluntary conſent of his wife firſt had and obtained, teſtified

teſtified by her being a party to ſuch aſſignment, and ſigning and ſealing the ſame; and ſuch perſon who ſhall make oath of the due execution of ſuch aſſignment, as above directed, ſhall alſo make oath of the wife's conſent thereunto, before ſome perſon authorized to take affidavits, as aforeſaid; and the affidavit to be filed in the ſaid auditor's office.

Divers annuities may be comprehended in one order, and reduced into one yearly ſum.

VII. Provided alſo, That where any perſon is or ſhall be intitled to many or divers of the ſaid annuities, and ſhall be deſirous to have the ſame comprehended in one order, upon ſignification thereof in writing, under the hand of ſuch perſon, the order ſhall and may be drawn and ſigned accordingly, for ſeveral annuities to be reduced into one yearly ſum by one and the ſame order; any thing in this act contained to the contrary notwithſtanding.

CAP. XVI.

An act for the diſcharge out of priſon ſuch inſolvent debtors as ſhall ſerve or procure a perſon to ſerve, in her Majeſty's fleet or army. 1 Annæ, ſtat. 1. c. 25. EXP.

Juſtices of peace, on petition of poor priſoners for debt, may ſummon the creditors before them, and alſo the gaoler. Priſoner to take an oath. Creditor to ſhew cauſe why priſoner ſhould not be diſcharged. In caſe priſoner be detained, creditor to allow him 4d. per day, and if no eſtate appear in three months, juſtices may diſcharge the perſon of priſoner, but the debt not thereby diſcharged, and judgment againſt priſoner's lands, &c. to ſtand good. Perſons diſcharged, and again arreſted, on ſhewing a duplicate of their diſcharge ſhall again be diſcharged. Perſon of priſoner for ever free. Penalty on ſheriff, &c. diſobeying juſtices ſummons. Priſoners before diſcharge ſhall declare on oath what effects or debts are belonging to them. A ſchedule thereof to be made. Creditors may ſue for ſuch debts in priſoner's name. Perſons diſcharged, freed from chamber rent and gaoler's fees, &c. Priſoners wearing apparel, tools in trade, &c. not liable to attachment. No perſon to be diſcharged who is indebted more than 100l. to one perſon: nor from his impriſonment, unleſs he liſt himſelf in the Queen's ſervice, or procure one in his ſtead. Penalty on perſons convicted of wilful perjury.

CAP. XVII.

An act for the better charging ſeveral accountants with intereſt monies by them received and to be received.

WHEREAS *by an act of the twelfth year of the reign of his late majeſty King* William *the Third, for granting to his Majeſty ſeveral duties upon low wines, or ſpirits of the firſt extraction, and for continuing ſeveral duties therein mentioned, proviſion is made, that the reſpective treaſurers of the navy, and paymaſters of the land forces, and the officers in the ſubordinate offices therein mentioned, ſhould be chargeable with the intereſt monies by them or their agents reſpectively received upon tallies and orders for monies impreſted to them ſeverally, during the late war againſt* France, *or at any time before the making of the ſaid act, in the manner and form thereby preſcribed; and that every ſuch charge ſhould be examined by the entries and vouchers in the receipt of the Exchequer, before the reſpective account or accounts of the ſaid treaſurers, paymaſters, or other officers ſhould be declared; and by an act of the firſt year of her Majeſty's reign, intituled,* An act for making good deficiencies, and for preſerving the publick credit, *it was enacted, That the reſpective* 12 W. 3. c. 11. EXP. 1 Annæ, ſt. 1, c. 13.

reſpective accounts of any the ſaid treaſurers, paymaſters, or other officers, of the monies by them received for the ſervice of the ſaid navy, forces, and for ſervices in the ſaid ſubordinate offices, ſhould and might be declared and finiſhed, according to the ancient uſage and methods of the Exchequer, ſo as before the declaring of the laſt accounts of the monies by them ſeverally received, as aforeſaid, for the ſaid reſpective ſervices, all the ſaid intereſt monies be duly examined and charged, as the ſaid former act directed, as by the ſaid ſeveral acts may more fully appear: and whereas it appears, that the auditor of the ſaid receipt of Exchequer doth or can charge accountants, as aforeſaid, with intereſt monies by them or their agents received, upon tallies or orders that are ſatisfied and diſcharged in the ſaid receipt; but it is difficult to charge ſuch accountants with intereſt money upon ſuch of the ſaid tallies or orders, as are ſtanding out and unſatisfied; and it is utterly impoſſible for him to charge upon ſuch accountants the intereſt hereafter to be paid upon any ſuch unſatisfied tallies and orders, until the principal thereupon comes in courſe of payment, and the ſaid tallies and orders, be brought to the ſaid receipt to be diſcharged; and it will be a great detriment to her Majeſty's ſervice, in caſe the final accounts of the ſaid reſpective treaſurers, paymaſters, and other ſubordinate officers (which contain large ſums of money, and may have many Supers *depending thereupon) ſhould be deferred until all the ſaid orders and tallies be fully diſcharged*; To obviate which miſchief, be it enacted, *&c.*

Auditor to proceed in examining the ſeveral intereſt accounts purſuant to the act 12 & 13 W. 3. c. 11. and ſurcharge the intereſt monies omitted. Lord treaſurer, &c. on ſuch charge may proceed in finiſhing the accounts of the treaſurers and paymaſters of the navy, forces, &c. Auditor to examine the accountant's intereſt accounts, and certify the ſums which ought to be ſurcharged for intereſt money. Certificate a legal charge againſt ſuch accountant. In caſe it appears that intereſt money charged on accountant was paid over to creditor, &c. accountant to be allowed for ſo much. Salaries of the army commiſſioners to be made without account.

CAP. XVIII.

An act for the further explanation and regulation of privilege of parliament in relation to perſons in publick offices.

WHEREAS *it is moſt juſt and reaſonable, that perſons employed in offices and places of publick truſt, ſhould at all times be accountable for any miſdemeanors therein, and the publick juſtice of the realm requireth a vigorous proſecution of ſuch offenders:* To the end therefore that your Majeſty's good ſubjects may not lie under any doubts or diſcouragements, whereby ſuch proſecutions might be prevented or delayed; may it pleaſe your moſt excellent Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That any action or ſuit ſhall and may be commenced and proſecuted in any of her Majeſty's courts at *Weſtminſter*, againſt any officer or perſon intruſted or imployed in the revenue of her Majeſty, her heirs and ſucceſſors, or any

Action may be proſecuted againſt any officer of the revenue, or any

any

any part or branch thereof, or any other office or place of publick truſt, for any forfeiture, miſdemeanor, or breach of truſt, of, in, or relating to ſuch office or place of truſt, or any penalty impoſed by law to enforce the due execution thereof; and that no ſuch action, ſuit, or any other proceſs, proceeding, judgment, or execution thereupon, although ſuch officer or perſon ſhall be a peer of this realm, or lord of parliament, or one of the knights, citizens, or burgeſſes of the houſe of commons, or otherwiſe intitled to the privilege of parliament, ſhall be impeached, ſtayed, or delayed by or under colour or pretence of any privilege of parliament.

other place of publick truſt, for any miſdemeanor, &c. No ſuch action to be ſtayed on pretence of privilege of parliament.

II. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That nothing in this act ſhall extend to ſubject the perſon of ſuch officer, being a peer of this realm, or lord of parliament, to be arreſted or impriſoned; but that all proceſs ſhall iſſue againſt ſuch officer or perſon, being a peer of this realm, or lord of parliament, as ſhould have iſſued againſt him out of the time of privilege: nor ſhall extend to ſubject the perſon of ſuch officer, being a knight, citizen, or burgeſs of the houſe of commons, to be arreſted or impriſoned, during the time of privilege of parliament; and that againſt ſuch officer, or other perſon, being a knight, citizen, or burgeſs of the houſe of commons, intitled to privilege, ſhall be iſſued ſummons and diſtreſs infinite, or original bill, ſummons, attachment, and diſtreſs infinite, which the ſaid reſpective courts are hereby impowered to iſſue in ſuch caſe, until the party ſhall appear upon ſuch proceſs according to the courſe of ſuch reſpective court.

Act not to ſubject the perſon of peer to impriſonment: Nor member of the houſe of commons.

CAP. XIX.

An act for raiſing recruits for the land forces and marines, and for diſpenſing with part of the act for the encouragement and increaſe of ſhipping and navigation, during the preſent war. EXP.

CAP. XX.

An act for puniſhing mutiny, deſertion, and falſe muſters, and for better paying of the army and quarters, and for ſatisfying divers arrears, and for a further continuance of the powers of the five commiſſioners for the examining and determining the accounts of the army. EXP.

Officers or ſoldiers, who ſhall mutiny or deſert, to ſuffer death. General to call courts martial for puniſhing offenders. Court martial to conſiſt of 13 commiſſion officers. Officer or ſoldier not to be exempt from the ordinary proceſs of law. Act not to extend to the militia forces. Every officer at a court martial to take an oath. Nine officers to concur in giving ſentence of death againſt offender. No trial to be but between eight and one. Penalty on perſon making falſe certificate to excuſe ſoldier from muſter. Penalty on officer making falſe muſter. Commiſſary to give notice of the muſter to the mayor, &c. mayor, &c. to be preſent at muſter. No muſter-roll to be allowed, unleſs ſigned by mayor, &c. Penalty on perſon falſly muſtered. Horſe muſtered not belonging to the troop forfeited, &c. Penalty on paymaſter, &c. detaining officers or ſoldiers pay, &c. officer to bring a certificate of men ſick or abſent. Penalty on officer muſtering ſervants, &c. 31 Car. 2. c. 1. Officers and ſoldiers may be quartered in inns, livery ſtables, &c. Penalty on quartering officers or ſoldiers in private houſes, &c. Juſtices to ſet rates for all neceſſary proviſions for ſoldiers in their march. Penalty on officer taking money to excuſe the quartering of ſoldiers. No paymaſter, &c. to deduct fees out of officers or ſoldiers pay, &c. Officer,

cer, on receipt of ſubſiſtence money, to give notice thereof to innkeepers, &c, who are to bring in their accounts. Rates allowed for diet, &c. for officers and ſoldiers. Officer to make up accounts before he leaves his quarters, &c. All accoutrements of war ſhall be bought in England. Muſter rolls to be cloſed the ſame day as taken: one whereof to be returned to the paymaſter general, and another to the comptroller of the army accounts. Carriages to be provided for the forces in their march. Penalty on officer forcing waggon, &c. to travel more than one day's journey, or forcing horſes from the owners. Penalty on officer quartering wives, children, &c. of ſoldiers in houſes againſt conſent of owner. Penalty on civil officer ſo doing. Penalty on officers or ſoldier deſtroying the game without leave. Account of money due to every regiment in the Queen's ſervice, to be made up between the paymaſter general and the colonel, &c. and ſo every four months, &c. Colonel to account with his captains, &c. Penalty on perſons harbouring deſerters, &c. Inhabitants of Epſom, &c. not liable to quarter ſoldiers.

Officer or ſoldier correſponding with the Queen's enemies beyond ſea, guilty of high treaſon.

XXXIV. *And foraſmuch as there is not any effectual proviſion made for the government of her Majeſty's land forces out of the realms of* England *and* Ireland; be it further enacted and declared, That if any officer or ſoldier in her Majeſty's army ſhall, either upon land out of *England*, or upon the ſea, hold correſpondence with any rebel or enemy of her Majeſty, or give them advice or intelligence, either by letters, meſſages, ſigns, or tokens, or any manner of way whatſoever, or ſhall treat with ſuch rebels or enemies, or enter into any condition with them, without her Majeſty's licence, or licence of the general, lieutenant general, or chief commander, then every ſuch perſon, ſo offending, ſhall be deemed and adjuged to be guilty of high treaſon, and ſuffer ſuch pains and penalties as in caſe of high treaſon.

Officer or ſoldier beyond ſea raiſing any mutiny, or reſiſting his officer, &c. guilty of felony.

XXXV. And be it further enacted by the authority aforeſaid, That if any officer or ſoldier of her Majeſty's army, either upon land out of *England*, or upon the ſea, ſhall raiſe, or cauſe to be raiſed, any mutiny or ſedition in the army, or ſhall refuſe to obey his ſuperior officer, or ſhall reſiſt any officer in the execution of his office, or ſhall ſtrike, draw, or offer to draw, or lift up, any weapon againſt his ſuperior officer, upon any pretence whatſoever, all and every the perſon and perſons ſo offending, in any of the matters before mentioned, ſhall be adjudged and taken to be guilty of felony, and ſhall ſuffer as in caſes of felony; and every of their ſaid offences ſhall be deemed to be felony, and ſhall ſuffer as in caſe of felony; and the offenders being thereof convicted, or being indicted or arraigned thereof, and ſtanding mute, or challenging peremptorily above the number of twenty returned to be of the jury, ſhall ſuffer death as in caſe of felony.

All treaſons and felonies may be tried in the Queen's Bench at Weſtminſter, &c.

XXXVI. And be it further enacted by the authority aforeſaid, That all and every the treaſons and felonies before mentioned, that ſhall be committed, perpetrated, or done, may be inquired of, heard, and determined in her Majeſty's court, commonly called the *Queen's Bench*, by good and lawful men of the ſame county where the ſaid court ſhall ſit and be kept, or before ſuch commiſſioners, and in ſuch county of this realm, as ſhall be aſſigned by the Queen's majeſty, and by good and lawful men of the ſame county, in like manner and form, to all intents and purpoſes,

purpoſes, as if the ſaid treaſon and felonies had been committed, perpetrated, and done within the ſame county.

This act not to abridge the Queen's power of making articles of war, &c.

XXXVII. Provided always, That this act, or any thing therein contained, ſhall not extend to abridge her Majeſty's power of forming, making, and eſtabliſhing articles of war, and erecting and conſtituting courts-martial, and inflicting penalties, by ſentence or judgment of the ſame, in ſuch manner as might have been done by her Majeſty's authority beyond the ſeas, in the time of war, before the making of this act.

Court-martial may try offences committed out of the realm, not before tried.

XXXVIII. And be it further enacted by the authority aforeſaid, That her Majeſty may, from time to time, grant a commiſſion to ſuch general, lieutenant general, or other officers, as aforeſaid, for the holding a court-martial within this realm, in which all officers and ſoldiers, who ſhall at any time hereafter, during the continuance of this act, commit any crime or offence out of this realm, againſt the rules, articles, or laws of war, and ſhall not be tried for the ſame by a court-martial, before their return into this realm, ſhall and may be tried and proceeded againſt, and puniſhed, according to the rules and articles of war afore-mentioned.

How officers or ſoldiers deſerting the Queen's ſervice beyond ſea, ſhall be tried.

XXXIX. Provided always, That if any officer or ſoldier ſhall deſert her Majeſty's ſervice in any parts beyond the ſeas, and ſhall eſcape or come into this realm or *Ireland*, before he be tried by a court-martial for ſuch offence, then, and as often as any ſuch caſe ſhall happen, if it ſhall alſo happen that the regiment, troop, or company, to which ſuch officer or ſoldier ſhall belong, ſhall continue in her Majeſty's ſervice beyond the ſeas, it ſhall and may be lawful, upon oath thereof made to any one of her Majeſty's juſtices of the peace, where ſuch offender ſhall be taken, for ſuch juſtices of the peace to cauſe ſuch offender to be ſent to the general court-martial in *England* or *Ireland*, who are hereby enabled, if they think fit, for example's ſake, to ſend ſuch offenders to the reſpective regiment, troop, or company beyond the ſeas, to which the offender ſhall belong, there to be proceeded againſt according to the directions of this act.

Perſons acquitted by a court-martial not to be proſecuted again.

XL. Provided alſo, That if any perſon or perſons ſhall, in a court-martial conſtituted as aforeſaid, be tried and acquitted, or convicted of any of the crimes or offences herein before mentioned, ſuch acquittal or conviction ſhall be a full bar to any indictments or proceedings for the ſame offence.

No attainder to corrupt the blood of heir, &c.

XLI. Provided always, That no attainder for any crime or offence made felony by this act, ſhall extend or be adjudged to make any corruption of blood to any heir of ſuch offender, or to debar the wife of ſuch offender of her title of dower.

How a peer of England ſhall be tried for any offence by this act.

XLII. Provided alſo, That if any peer of this realm ſhall commit any of the offences aforeſaid, in any parts beyond the ſeas, and ſhall not have been there tried for the ſame by martial law, and after his return into this realm ſhall be indicted of any offence hereby declared or enacted to be treaſon or felony, that then, and after ſuch indictment, he ſhall have his trial by his peers, in ſuch like manner and form as hath been accuſtomed.

XLIII. And

Persons indicted of treason, &c. to have the benefit of the act 7 W. 3. c. 3.

XLIII. And be it declared and enacted by the authority aforesaid, That all and every person and persons, who shall hereafter be accused, indicted, or prosecuted, for any thing made or declared treason by this act, shall be intitled to the benefit of the act of parliament made in the seventh year of the reign of his late majesty King *William* the Third, intituled, *An act for regulating trials in cases of treason and misprision of treason.*

Officers and soldiers of the marine regiments, &c. subject to the penalties, &c. in this act. Account of each regiment, garrison, &c. to be made up. Auditors to examine the same, and the accountant on oath. No account to be hereafter declared by the lord treasurer, &c. until auditor certify the examination thereof. Respit money may be applied as levy money. The debts owing in quarters by the invalids of Chelsea hospital, &c. shall be paid. Persons reprieved from execution, in order to obtain their pardon, &c. On sight of the Queen's warrant, for passing such pardon, judge may direct the delivery of prisoner, to be listed in the Queen's service. Pardon, when passed, to be inrolled, &c. Act, as to mutineers and deserters, &c. to extend to the forces in Ireland. The pay of the 10,000 men raised for sea service to be cleared to 25 Dec. 1703. Accounts of the English and Dutch trains of artillery to be examined, and debentures issued out thereupon. Pay of the forces at New-York to be computed. Debentures to be issued for payment. 1 *Anne, stat.* 2. *c.* 20. continued until 30 June, 1704.

Anno Regni ANNÆ *Reginæ tertio & quarto.*

AT *the parliament begun at* Westminster *the twentieth day of* August, Anno Dom. 1702. *in the first year of the reign of our sovereign lady* Anne, *by the grace of God, of* England, Scotland, France, *and* Ireland, *Queen, defender of the faith,* &c. *and from thence continued by several prorogations and adjournments to the* * *four and twentieth day of* October, 1704. *being the third session of this present parliament.*

* *In the inrolment it is,* to the fourteenth day of March.

CAP. I.

EXP. An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and five. 4 s. in the pound.

CAP. II.

An act for raising monies, by sale of several annuities, for carrying on the present war.

Most gracious Sovereign,

2 & 3 Annæ, c. 3.

WHEREAS *by an act of parliament made and passed in the second year of your Majesty's reign, intituled,* An act for granting an aid to her Majesty, for carrying on the war, and other her Majesty's occasions, by selling annuities at several rates, and for such respective terms or estates, as are therein mentioned, *and by several other acts therein recited, provision is made, That from and after the five and twentieth day of* December, *in the year of our Lord one thousand seven hundred and five, the full, clear, and intire weekly sum of three thousand seven hundred pounds out of all the*

See 1 Geo. 1. stat. 1. c. 1. s. 4.

the monies ariſing by the hereditary duties of exciſe, and by other duties of exciſe therein mentioned, payable during her Majeſty's life, and from and after her Majeſty's deceaſe, then the like full, clear, and intire weekly ſum of three thouſand ſeven hundred pounds, out of all the monies to ariſe by the ſaid hereditary duties of exciſe, from time to time for ever, ſhall be brought and paid into the receipt of Exchequer every week, in the manner and form, and under ſuch penalties, as are thereby preſcribed: and it is thereby further enacted, That out of the money of the ſaid hereditary duties of exciſe, ariſing in or by ſuch weekly payments at the Exchequer, as aforeſaid, certain annual ſums after the rate of three pounds per centum per annum, *therein mentioned, ſhall be ſatisfied and paid, and that out of the monies of the ſaid ſeveral branches of exciſe, ariſing in or by the ſaid weekly payments, the ſeveral annuities to be purchaſed in purſuance of the ſaid act of the ſecond year of your Majeſty's reign, ſhould alſo be paid and ſatisfied; and that all the reſt and reſidue of the monies ariſing by the ſaid weekly payments, and which at the end of every year, reckoning the firſt year to begin from the ſaid five and twentieth day of* December, *in the year of our Lord one thouſand ſeven hundred and five, ſhould remain, after ſatisfying or reſerving ſufficient to ſatisfy all the payments which ſhould be then incurred or grown due, as well for and upon the ſaid annual ſums, after the rate of three pounds* per centum per annum, *as alſo for and upon all the ſaid annuities, to be purchaſed upon the act laſt mentioned, ſhould be applied and diſpoſed of to and for the publick uſe and ſervice, and not otherwiſe: and whereas the ſaid annual ſums, after the rate of three pounds* per centum per annum, *do amount in the whole to the yearly ſum of thirty nine thouſand eight hundred fifty five pounds, ſixteen ſhillings, and one half penny; and the annuities purchaſed on the ſaid act of the ſecond year of your Majeſty's reign, for the ſaid term of ninety nine years, do amount in the whole to ſixty ſeven thouſand nine hundred twenty four pounds, ten ſhillings, and ſix pence half penny; and the annuities purchaſed ſeverally on the ſame act for ſingle lives, do amount in the whole to twenty two thouſand three hundred and thirteen pounds, ſix ſhillings, and eight pence; and the annuities ſeverally purchaſed on the ſame act for the lives of two perſons, and the ſurvivor of them, do amount in the whole to ten thouſand five hundred and twenty eight pounds; and the ſeveral annuities purchaſed on the ſame act for the lives of three perſons, and the ſurvivors and ſurvivor of them, do amount in the whole to three thouſand nine hundred ſeventy nine pounds, thirteen ſhillings, and four pence; and the charges of paying the ſaid annuities do amount to the yearly ſum of twelve hundred pounds; ſo that there doth remain at this time undiſpoſed, of the money of the ſaid weekly payments, to be applied to the publick uſe and ſervice, the yearly ſum of forty ſix thouſand five hundred ninety eight pounds, thirteen ſhillings, and five pence, or thereabouts, beſides the expectancies after the determination of the ſaid reſpective eſtates, for one, two, and three lives:* Now we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, being deſirous to raiſe the money neceſſary for carrying on the preſent war, and other your Majeſty's moſt preſſing occaſions, by ſuch ways and means as

By 6 Geo. 1. c. 4. the South-Sea company take in theſe annuities.

are moſt eaſy to your Majeſty's ſubjects, do chearfully and unanimouſly grant unto your Majeſty a further aid, to ariſe by contributions for annuities, to be purchaſed in the manner and form herein after mentioned; and do humbly beſeech your Majeſty that it may be enacted: and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, to contribute, advance, and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, any ſum or ſums of money, not exceeding in the whole the ſum of eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, for purchaſing ſuch ſeveral and reſpective annuities as are herein after-mentioned (that is to ſay) any ſum and ſums of money, not exceeding ſix hundred and ninety thouſand pounds (part of the ſaid whole ſum not exceeding eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny) for any annuity or annuities to be paid during the full term of ninety nine years, to be reckoned from the ſaid five and twentieth day of *December*, in the year of our Lord one thouſand ſeven hundred and five, at the rate of fifteen years purchaſe; which rate doth amount to the ſum of one hundred and fifty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the ſame rate or conſideration-money, for the ſaid full term of ninety nine years, is hereby appointed to be paid into the ſaid receipt at or before the reſpective days and times herein after-mentioned (that is to ſay) one third part thereof on or before the firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and five; one other third part thereof, on or before the four and twentieth day of *June*, in the ſaid year of our Lord one thouſand ſeven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the ſame year of our Lord one thouſand ſeven hundred and five: all which annuities, ſo to be purchaſed for the ſaid full term of ninety nine years, ſhall not exceed in the whole the ſum of forty ſix thouſand pounds *per annum*, and ſhall be paid and payable at the four moſt uſual feaſts in the year (that is to ſay) the feaſt of the annunciation of the bleſſed virgin *Mary*, the nativity of St. *John Baptiſt*, St. *Michael* the archangel, and the birth of our Lord Chriſt, by even and equal portions; the firſt payment to be made at or upon the feaſt of the annunciation of the bleſſed virgin *Mary*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſix.

What ſums may be advanced for purchaſers, &c.

for 99 years at 15 years purchaſe, to be paid into the Exchequer.

Times of payment.

Annuities ſo purchaſed, not to exceed 46,000l. per annum.

The firſt payment 25 March, 1706.

II. *And whereas the perſons, who are or may be intitled to the reſpective eſtates for life or lives, purchaſed upon the ſaid act of the ſecond year of your Majeſty's reign, or ſome of them, are or may be willing and deſirous (for ſuch reſpective prices or conſiderations as are herein*

herein after-mentioned) to have ſuch their reſpective eſtates for life or lives changed or converted into a certain term or terms for ninety nine years, to be computed from the ſaid five and twentieth day of March, *in the year of our Lord one thouſand ſeven hundred and four, of and in ſuch or the like annuities as they have for life or lives, as aforeſaid; or that they, or ſuch as they ſhall nominate his, her, or their executors, adminiſtrators, and aſſigns reſpectively (for the like reſpective prices or conſiderations) ſhall or may be intitled to have, receive, and enjoy the like annuity from and after the determination of his, her, or their eſtate for life or lives, as aforeſaid, for and during the reſidue which ſhall be then to come and unexpired of the ſaid term of ninety nine years laſt-mentioned; and in caſes where the preſent owner of any ſuch annuity for life or lives is or may be unwilling (if any ſuch be) to purchaſe a further or more certain eſtate or intereſt therein, it is likely that ſome other perſon or perſons is or may be deſirous to be admitted to purchaſe a future eſtate or intereſt in ſuch or the like annuity or annuities, to take effect from and after the determination of the reſpective eſtate for one, two, or three lives in being, and to continue for and during the then reſidue and remainder of the ſaid term of ninety nine years, to be reckoned from the ſaid five and twentieth day of* March, *one thouſand ſeven hundred and four, which ſhall be then to come and unexpired:*

III. Now for the raiſing any further ſum and ſums of money, not exceeding one hundred eighty ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, other part of the ſaid ſum not exceeding eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, for the purpoſes aforeſaid; it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, being as original contributors, or by meſne aſſignments, or by other lawful ways and means, intitled to any eſtate for one life in being, of or in any annuity purchaſed or obtained upon the ſaid act of the ſecond year of your Majeſty's reign, to advance and pay into the receipt of your Majeſty's Exchequer, at or before the reſpective days and times in this act limited in that behalf, ſo much money as every or any ſuch annuity, being computed for ſix years, doth or ſhall amount unto, either for changing or converting the ſaid eſtate for a ſingle life, into a certain term for the ſaid ninety nine years, to be computed from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four; or for the like annuity to be paid to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and immediately after the determination of the ſaid eſtate for one life, during the then reſidue of the ſaid ninety nine years laſt-mentioned, at the election of the purchaſers reſpectively; and that it ſhall and may be lawful to and for any perſon or perſons, being, as aforeſaid, intitled to any eſtate for two lives now in being, of or in any annuity purchaſed or obtained upon the ſaid act of the ſecond year of your Majeſty's reign, to advance and pay into the receipt of your Majeſty's Exchequer, at

What to be done where an annuity is not demanded in 2 years time: 1 Geo. 1. ſtat. 2. c. 36. ſ. 16.

Original contributors intitled for one life, &c. may advance ſo much money, &c. as every annuity amounts unto for ſix years purchaſe, for converting their eſtate for one life, &c. into a certain term for 99 years.

Or after the determination of one life, during the reſidue of 99 years, &c.

are moſt eaſy to your Majeſty's ſubjects, do chearfully and unanimouſly grant unto your Majeſty a further aid, to ariſe by contributions for annuities, to be purchaſed in the manner and form herein after mentioned; and do humbly beſeech your Majeſty that it may be enacted: and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, to contribute, advance, and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, any ſum or ſums of money, not exceeding in the whole the ſum of eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, for purchaſing ſuch ſeveral and reſpective annuities as are herein after-mentioned (that is to ſay) any ſum and ſums of money, not exceeding ſix hundred and ninety thouſand pounds (part of the ſaid whole ſum not exceeding eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny) for any annuity or annuities to be paid during the full term of ninety nine years, to be reckoned from the ſaid five and twentieth day of *December*, in the year of our Lord one thouſand ſeven hundred and five, at the rate of fifteen years purchaſe; which rate doth amount to the ſum of one hundred and fifty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the ſame rate or conſideration-money, for the ſaid full term of ninety nine years, is hereby appointed to be paid into the ſaid receipt at or before the reſpective days and times herein after-mentioned (that is to ſay) one third part thereof on or before the firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and five; one other third part thereof, on or before the four and twentieth day of *June*, in the ſaid year of our Lord one thouſand ſeven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the ſame year of our Lord one thouſand ſeven hundred and five: all which annuities, ſo to be purchaſed for the ſaid full term of ninety nine years, ſhall not exceed in the whole the ſum of forty ſix thouſand pounds *per annum*, and ſhall be paid and payable at the four moſt uſual feaſts in the year (that is to ſay) the feaſt of the annunciation of the bleſſed virgin *Mary*, the nativity of St. *John Baptiſt*, St. *Michael* the archangel, and the birth of our Lord Chriſt, by even and equal portions; the firſt payment to be made at or upon the feaſt of the annunciation of the bleſſed virgin *Mary*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſix.

What ſums may be advanced for purchaſers, &c.

for 99 years at 15 years purchaſe, to be paid into the Exchequer.

Times of payment.

Annuities ſo purchaſed, not to exceed 46,000l. per annum.

The firſt payment 25 March, 1706.

II. *And whereas the perſons, who are or may be intitled to the reſpective eſtates for life or lives, purchaſed upon the ſaid act of the ſecond year of your Majeſty's reign, or ſome of them, are or may be willing and deſirous (for ſuch reſpective prices or conſiderations as are herein*

herein after-mentioned) to have ſuch their reſpective eſtates for life or lives changed or converted into a certain term or terms for ninety nine years, to be computed from the ſaid five and twentieth day of March, *in the year of our Lord one thouſand ſeven hundred and four, of and in ſuch or the like annuities as they have for life or lives, as aforeſaid; or that they, or ſuch as they ſhall nominate his, her, or their executors, adminiſtrators, and aſſigns reſpectively (for the like reſpective prices or conſiderations) ſhall or may be intitled to have, receive, and enjoy the like annuity from and after the determination of his, her, or their eſtate for life or lives, as aforeſaid, for and during the reſidue which ſhall be then to come and unexpired of the ſaid term of ninety nine years laſt-mentioned; and in caſes where the preſent owner of any ſuch annuity for life or lives is or may be unwilling (if any ſuch be) to purchaſe a further or more certain eſtate or intereſt therein, it is likely that ſome other perſon or perſons is or may be deſirous to be admitted to purchaſe a future eſtate or intereſt in ſuch or the like annuity or annuities, to take effect from and after the determination of the reſpective eſtate for one, two, or three lives in being, and to continue for and during the then reſidue and remainder of the ſaid term of ninety nine years, to be reckoned from the ſaid five and twentieth day of* March, *one thouſand ſeven hundred and four, which ſhall be then to come and unexpired:*

III. Now for the raiſing any further ſum and ſums of money, not exceeding one hundred eighty ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, other part of the ſaid ſum not exceeding eight hundred ſeventy ſeven thouſand nine hundred and thirty pounds, nineteen ſhillings, and three pence halfpenny, for the purpoſes aforeſaid; it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, being as original contributors, or by meſne aſſignments, or by other lawful ways and means, intitled to any eſtate for one life in being, of or in any annuity purchaſed or obtained upon the ſaid act of the ſecond year of your Majeſty's reign, to advance and pay into the receipt of your Majeſty's Exchequer, at or before the reſpective days and times in this act limited in that behalf, ſo much money as every or any ſuch annuity, being computed for ſix years, doth or ſhall amount unto, either for changing or converting the ſaid eſtate for a ſingle life, into a certain term for the ſaid ninety nine years, to be computed from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four; or for the like annuity to be paid to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and immediately after the determination of the ſaid eſtate for one life, during the then reſidue of the ſaid ninety nine years laſt-mentioned, at the election of the purchaſers reſpectively; and that it ſhall and may be lawful to and for any perſon or perſons, being, as aforeſaid, intitled to any eſtate for two lives now in being, of or in any annuity purchaſed or obtained upon the ſaid act of the ſecond year of your Majeſty's reign, to advance and pay into the receipt of your Majeſty's Exchequer, at

What to be done where an annuity is not demanded in 2 years time: 1 Geo. 1. ſtat. 2. c. 36. ſ. 16.

Original contributors intitled for one life, &c. may advance ſo much money, &c. as every annuity amounts unto for ſix years purchaſe, for converting their eſtate for one life, &c. into a certain term for 99 years.

Or after the determination of one life, during the reſidue of 99 years, &c.

Two lives for four years purchaſe, &c. The like after the determination for two lives, &c.

at or before the reſpective days and times in this act limited in that behalf, for your Majeſty's uſe, ſo much money as every or any ſuch annuity, being computed for four years, doth or ſhall amount unto, either for changing or converting the ſame eſtate for two lives, into a certain term for the ſaid ninety nine years, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four, or for the like annuity, to be paid to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and immediately after the determination of the ſaid eſtate for two lives, during the then reſidue of the term of ninety nine years laſt-mentioned, at the election of the purchaſers reſpectively; and that it ſhall and may be lawful to and for any perſon or perſons, being, as aforeſaid, intitled to any eſtate for three lives now in being, of or in any annuity purchaſed or obtained upon the ſaid act of the ſecond year of your Majeſty's reign, at any time to advance and pay into the ſaid receipt of your Majeſty's Exchequer, for your Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, ſo much money as every or any ſuch annuity, being computed for three years, doth or ſhall amount unto, either for changing or converting the ſame eſtate for three lives into a certain term for ninety nine years, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four, or for the like annuity to be paid to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and immediately after the determination of the ſaid eſtate for three lives, during the then reſidue of the term of ninety nine years laſt-mentioned, at the election of the purchaſers reſpectively; and it is hereby declared and appointed, That all the conſideration monies to be paid after the reſpective rates of ſix years purchaſe, four years purchaſe, and three years purchaſe, in the ſeveral and reſpective caſes before-mentioned, ſhall be paid into the ſaid receipt of Exchequer, for your Majeſty's uſe, at or before the reſpective days and times herein after-limited (that is to ſay) one third part thereof on or before the laſt day of *March* in the year of our Lord one thouſand ſeven hundred and five; one other third part thereof on or before the four and twentieth day of *June*, in the year of our Lord one thouſand ſeven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and five; and the ſaid annuities for which the ſaid conſideration monies ſhall be ſo paid after the ſaid rates of ſix years, four years, and three years purchaſe, as aforeſaid, ſhall be alſo paid and payable at the four moſt uſual feaſts before-mentioned, by even and equal portions, the firſt payment thereof to begin and to be made at ſuch of the ſaid feaſts as ſhall next happen after the reſpective times on which they are to take effect, as aforeſaid; nevertheleſs in all caſes where any eſtate for life or lives ſhall be, in purſuance of this act, changed into a certain term for ninety nine years, as aforeſaid, for avoiding any double payments thereupon, the quar-

Three lives at three years purchaſe.

The like after the determination for three lives, &c.

Conſideration monies, &c. to be paid into the Exchequer.

Times of payment.

Annuities to be paid at the four moſt uſual feaſts, &c.

Firſt payment.

Eſtates for lives changed for 99 years.

Quarterly payments thereon to diſcharge quarterly payments, reckon-

quarterly payments, which ſhall have been made on the ſaid eſtate for life or lives, ſhall be deemed and taken to diſcharge ſo many of the quarterly payments, which might otherwiſe be reckoned for the ſame time, upon the ſaid certain term of ninety nine years, and then ſuch preſent eſtate for life or lives, ſhall be underſtood to be merged or extinguiſhed in the ſaid terms of years reſpectively.

ed on the term of 99 years, and then ſuch eſtates for life to be extinguiſhed.

IV. And it is hereby further enacted, That if any perſon or perſons, being intitled to any eſtate for one, two, or three lives in being, in any ſuch preſent annuity or annuities, as aforeſaid, ſhall not, on or before the ſaid laſt day of *March*, in the year of our Lord one thouſand ſeven hundred and five, advance and pay into the ſaid receipt of Exchequer, one third part at the leaſt of ſuch reſpective rate or conſideration money, as is beforementioned, for changing his, her, or their eſtate for one, two, or three lives into a term certain, or for a future intereſt, as aforeſaid, that then and in every ſuch caſe, it ſhall and may be lawful to and for any perſon or perſons whatſoever, natives or foreigners (having or not having any property or intereſt in ſuch eſtate for life or lives) at any time or times after the ſaid laſt day of *March*, one thouſand ſeven hundred and five, and within the reſpective days and times by this act limited in this behalf, to contribute, advance, and pay into the ſaid receipt of Exchequer, for the purpoſes aforeſaid, ſuch reſpective rates or conſideration monies, as are herein after appointed for purchaſing of ſuch annuities, to commence after the determination of the ſaid eſtates for one, two, or three lives reſpectively, as are herein after expreſſed (that is to ſay) in every or any caſe where any annuity was purchaſed upon the ſaid former act for one life only ſtill in being, and the preſent owner ſhall have made no further payment for a future intereſt, or certain term therein, according to this act, any perſon or perſons, as aforeſaid, may contribute and pay the conſideration money, after the rate of ſix years purchaſe for ſuch or the like annuity, to be paid and payable to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and immediately after the determination of every ſuch eſtate for a ſingle life (which is to be named in every talley for ſuch purchaſe money, and in the order thereupon) and to continue from thenceforth for and during all the reſt and reſidue, which ſhall be then to come and unexpired, of and in the ſaid term of ninety nine years, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four; and in every or any caſe where any annuity was purchaſed upon the ſaid former act for two lives ſtill in being, and the preſent owner ſhall have made no further payment for a future intereſt, or a certain term therein, according to this act, any perſon or perſons, as aforeſaid, may contribute and pay the conſideration-money, after the rate of four years purchaſe for ſuch or the like annuity, to be paid and payable to him, her, or them, his, her, and their executors, adminiſtra-

If one third of the conſideration money, &c. be not paid before the laſt of March, 1705, &c. any perſon, &c. may purchaſe.

Conditions of purchaſe for one life.

Two lives.

tors, and aſſigns, from and immediately after the determination of every ſuch eſtate for two lives (which are to be named in every talley for ſuch purchaſe-money, and in the order thereupon) and to continue from thenceforth, for and during all the reſt and reſidue, which ſhall be then to come and unexpired, of and in the ſaid term of ninety nine years, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four: and in every or any caſe where any annuity was purchaſed upon the ſaid former act for three lives ſtill in being, and the preſent owner thereof ſhall have made no further payment for a future intereſt or a certain term therein, according to this act, any perſon or perſons, as aforeſaid, may contribute and pay the conſideration-money, after the rate of three years purchaſe, for ſuch or the like annuity to be paid and payable to him, her, or them, his, her, or their executors, adminiſtrators, and aſſigns, from and after the determination of every ſuch eſtate for three lives (which are to be named in every talley for ſuch purchaſe-money, and in the order thereupon) and to continue from thenceforth, for and during all the reſt and reſidue, which ſhall be then to come and unexpired, of and in the ſaid term of ninety nine years, to be reckoned from the ſaid five and twentieth day of *March*, one thouſand ſeven hundred and four. And it is hereby declared and appointed, That all the conſideration-monies to be paid by the ſaid perſons, who may purchaſe in default of thoſe who have the preſent eſtates for life and lives, as aforeſaid, ſhall be paid in the ſaid receipt of Exchequer for your Majeſty's uſe, after the ſaid laſt day of *March*, one thouſand ſeven hundred and five, and at or before the reſpective days and times herein after limited (that is to ſay) one third part thereof on or before the firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and five; one other third part thereof on or before the four and twentieth day of *June*, one thouſand ſeven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, one thouſand ſeven hundred and five; and the ſaid annuities ſo to be purchaſed by any perſons (in default of thoſe who have the preſent eſtates for life or lives, as aforeſaid) ſhall alſo be paid and payable, at the four moſt uſual feaſts in the year before-mentioned, by even and equal portions; the firſt payment thereof to begin, and to be made at ſuch of the ſaid feaſts, as ſhall next happen after the reſpective times, from which ſuch annuities are to commence or take effect, as aforeſaid.

Three lives, &c.

Conſideration-money to be paid into the Exchequer.

Times of payment.

Annuities when payable.

V. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer, ſeverally there ſhall be provided and kept a book or books, in which ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums upon this act, and alſo the ſeveral ſums ſo paid, and the time when the ſame are reſpectively paid; to which book it ſhall be lawful for the reſpective

Contributors names to be entred in the offices of the auditor and clerk of the pells.

tive contributors, their executors, adminiſtrators, and aſſigns, from time to time, and at all ſeaſonable times, to have reſort, and to inſpect the ſame without fee or reward. Books to be inſpected without fee.

VI. And be it further enacted by the authority aforeſaid, That all and every the annuities whatſoever, which ſhall be any way purchaſed upon, or in purſuance of, this preſent act, ſhall be and are hereby charged upon, and ſhall be paid and payable out of, the overplus of the monies ariſing from time to time by the weekly payments of exciſe money afore-mentioned (that is to ſay) the money which ſhall remain, from time to time, over and above ſo much as ſhall be ſufficient to pay and ſatisfy the monies, which ſhall from time to time be incurred and grown due, as well for and upon the ſaid annual ſums, after the rate of three pounds *per centum per annum*, as for and upon all the ſaid annuities for lives or years, purchaſed upon the ſaid act of the ſecond year of your Majeſty's reign; and ſo much of the ſaid overplus monies, as are and ſhall be ſufficient to ſatisfy and diſcharge all the annuities to be purchaſed upon this act, according to the purport and true meaning of the ſame, are and ſhall be appropriated and applied to and for the ſatisfying and diſcharging of the ſame accordingly, and ſhall be iſſued, diſpoſed, or applied to that uſe, and to no other uſe, intent, or purpoſe whatſoever. All annuities, &c. to be paid out of the weekly payments, &c. Overplus to diſcharge the annuities, and applied to no other uſe.

VII. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, duly paying the conſideration of purchaſe-money after the reſpective rates aforeſaid, at or before the reſpective days and times in this act limited in that behalf, for any annuity or annuities whatſoever, allowed to be purchaſed by this act, according to the true meaning of the ſame act, or ſuch as he, ſhe, or they, ſhall appoint, his, her, or their reſpective executors, adminiſtrators, and aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy the reſpective annuity and annuities ſo to be purchaſed, out of the overplus monies ariſing and to ariſe, as aforeſaid, from the reſpective times on which ſuch annuities are reſpectively to commence, for and during ſuch reſpective term of years, or remaining term of years, as are above-mentioned; and that all and every ſuch purchaſers, their executors, adminiſtrators, and aſſigns reſpectively, ſhall have good and ſure eſtates and intereſts in the ſeveral annuities ſo by them to be purchaſed, according to the nature of their reſpective purchaſes, and the tenor and true meaning of this act; and that all annuities to be purchaſed on this act for any term, eſtate, or intereſt whatſoever, ſhall be free from all taxes, charges, and impoſitions whatſoever. Contributors paying the purchaſe-money, ſhall enjoy the annuities ſo purchaſed, and have ſure eſtates therein, free from taxes;

VIII. And be it further enacted by the authority aforeſaid, That every contributor upon any part of this act for any of the annuities aforeſaid, his, her, or their executors, adminiſtrators, or aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, at the reſpective rate in this act before appointed, or any part or proportion thereof, within the time or and have tallies for the ſame,

times by this act limited in that behalf, shall immediately have one or more talley or tallies levied, importing the receipt of so much consideration-money as shall be so paid, for or in part of the said respective sums to be raised, as aforesaid, and according to the nature of his, her, or their payments respectively; and upon payment of all the purchase-money for any such annuity or annuities, as aforesaid, at the rate by this act appointed, every such contributor respectively, his or her respective executors, administrators, or assigns, shall have an order for payment of such annuity and annuities, for and during such respective term, estate, or interest, as he, she, or they shall or ought to have therein, as aforesaid; which order shall be signed by the treasurer and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being; and, after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them or any of them, nor shall any lord high treasurer of *England*, treasurer of the Exchequer, or any commissioners of the treasury, now, or for the time being, have power to revoke, countermand, or make void such orders, so signed as aforesaid, or any of them.

and orders for payment.

No lord treasurer, &c. to revoke the same.

IX. And for the encouragement of the contributors to advance and pay forthwith, into the receipt of Exchequer, the sums intended by them to be advanced upon any of the terms aforesaid, it is provided and enacted by the authority aforesaid, That every such contributor, who being to pay his or her purchase-money, or any part thereof, on or before the said last day of *March*, one thousand seven hundred and five, shall pay the same, or any part thereof, sooner than the said last day of *March*, shall be paid out of the contribution-money arising by this act, after the rate of five pounds *per centum per annum*, for prompt payment of the money so advanced, from the time of actual paying the same, until the said last day of *March*, one thousand seven hundred and five; and every contributor on this act, who being to pay his or her purchase-money, or any part thereof, on or before the said first day of *May*, one thousand seven hundred and five, shall pay the same, or any part thereof, sooner than the said first day of *May*, shall be paid out of the said contribution-money the like rate of five pounds *per centum per annum*, for such prompt payment of the money so advanced from the time of actual paying the same, until the said first day of *May*, one thousand seven hundred and five.

5l. per cent. for prompt payment.

X. And be it further enacted, That it shall and may be lawful to and for any contributor, his or her executors, administrators, or assigns, at any time or times, having any present or future term, estate, or interest, or any present estate to take effect

Contributors, &c. may assign or devise annuities and

effect *in future*, of and in any annuity to be purchaſed upon this act, or of or in any part of ſuch annuity, by any writing under hand and ſeal, or by his or her laſt will in writing, to aſſign or deviſe ſuch annuity and annuities, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*, and no ſuch aſſignment to be revokable; ſo as an entry or memorandum of ſuch aſſignment or will be made in books to be kept for that purpoſe in the ſaid office of the auditor of the receipt, within the ſpace of two months after ſuch aſſignment, or death of the deviſor; and that upon the producing ſuch aſſignment, or will, or probate thereof, in the ſaid office of receipt, to be entred as aforeſaid, the party ſo producing the ſame, ſhall bring therewith an affidavit, taken before ſome perſon authorized to take affidavits in cauſes depending in any of the courts at *Weſtminſter*, of the due execution of the ſaid aſſignment or will, which affidavits ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum the proper officers, in the ſaid receipt of the Exchequer, are hereby required to make accordingly, and to file the ſaid affidavits; and in default of ſuch aſſignment or deviſe, by deed or will, the intereſt of ſuch contributor ſhall go to his or her executors or adminiſtrators.

ſo toties quoties.

Entry of ſuch aſſignments, &c. to be made on affidavit.

Affidavits to be filed.

In default of aſſignment or deviſe, &c. intereſt of contributor to go to his executors, &c.

XI. And be it further enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe and benefit of ſuch infant, to advance and pay the ſum of one hundred and fifty pounds, of the money of ſuch infant, to purchaſe any annuity upon this act for the benefit of ſuch infant; and the ſaid guardian and truſtee, as to the ſaid ſum of one hundred and fifty pounds ſo advanced, is hereby diſcharged.

Guardians may advance 150l. for the benefit of infant to purchaſe any annuity on this act.

XII. And be it further enacted, for the better encouraging perſons to advance the ſaid ſeveral ſums on this act, That all receipts and iſſues, and all other things directed by this act to be performed in the Exchequer, ſhall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the ſame; and in caſe any of the officers of the Exchequer ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the ſaid weekly ſums to be paid into the receipt of Exchequer, or any part of the monies which ſhould make good the payment of the ſaid annuities, or ſhall pay or iſſue out of the ſame, otherwiſe than according to the intent of this act, or ſhall not keep books and regiſters, and make entries, and do and perform all other things, which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for the future uncapable of any office or place of truſt, and ſhall anſwer and pay treble damages, with coſts of ſuit, to every contributor or perſon who ſhall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein

All receipts and iſſues in the Exchequer to be done without fee.

Penalty.

no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of reſtraint, or more than one imparlance, ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery ſhall have his full coſts, one third part of which ſum, ſo to be recovered for damages, ſhall be to the uſe of your Majeſty, your heirs and ſucceſſors; and the other two third parts, with the coſts, ſhall be to the uſe of the proſecutor: and in caſe there ſhall be any colluſion or faint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators or aſſigns, to bring another action, wherein he ſhall recover as aforeſaid, to the like uſes as aforeſaid.

Plaintiff on recovery to have full coſts.

In caſe of faint proſecution, any other contributor, &c. may bring another action.

XIII. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain any annuity upon this act, for which the purchaſe-money, or any part thereof, is hereby appointed to be paid on or before the ſaid laſt day of *March*, one thouſand ſeven hundred and five, unleſs the whole, or one third part of the conſideration-money for the ſame, at ſuch reſpective rates as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer on or before the ſaid laſt day of *March*, in the year of our Lord one thouſand ſeven hundred and five; and that no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe or obtain, any annuity upon this act, for which the purchaſe-money, or any part thereof, is hereby appointed to be paid on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and five, unleſs the whole, or one third part of the conſideration-money for the ſame, at ſuch reſpective rate, as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and five.

None to purchaſe any annuity, unleſs one third part of the purchaſe-money be paid in by the laſt of March, 1705.

or unleſs one third be paid in by the firſt of May, 1705.

XIV. Provided alſo, That in caſe any ſuch contributor, as aforeſaid, who ſhall, on or before the reſpective days by this act appointed for his or her firſt payment, have advanced one third part only of his or her purchaſe-money, his or her executors, adminiſtrators, or aſſigns do not advance and pay, into the receipt of Exchequer, one other third part of his or her conſideration-money ſo to be paid for ſuch reſpective annuity or annuities, as aforeſaid, on or before the ſaid four and twentieth day of *June*, one thouſand ſeven hundred and five; and the remaining third part thereof on or before the ſaid nine and twentieth day of *September*, one thouſand ſeven hundred and five; then, and in every ſuch caſe reſpectively, no order ſhall be drawn or ſigned for ſuch reſpective annuity, for which the conſideration-money ſhall not be fully paid, as aforeſaid; but ſo much of the conſideration-money, as ſhall have been actually paid into the Exchequer for ſuch reſpective annuity, ſhall be forfeited and loſt to your Majeſty, your heirs and ſucceſſors, and be applied, together with other the monies to be raiſed by this act, for the purpoſes aforeſaid; any thing in this act contained to the contrary notwithſtanding.

Contributors advancing one third part, and not paying the two other parts of the conſideration money within the times limited,

ſuch money, ſo paid in, to be forfeited, &c.

XV. Pro-

XV. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for the lord treaſurer, or commiſſioners of the treaſury for the time being, out of any of the monies of the ſaid weekly payments, to reward the officers and clerks in the Exchequer to be imployed in the payment of the ſaid annuities, or any of them, for their labour, pains, and ſervice therein reſpectively, in ſuch proportions as to the ſaid lord treaſurer, or commiſſioners of the treaſury for the time being, ſhall ſeem meet and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding. Allowances to officers and clerks imployed, &c.

CAP. III.

An act for continuing the duties upon malt, mum, cyder, and perry, for one year. EXP.

CAP. IV.

An act for continuing duties upon low wines, and upon coffee, tea, chocolate, ſpices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muſlins; and for granting new duties upon ſeveral of the ſaid commodities, and alſo upon callicoes, China *ware, and drugs.*

Moſt gracious Sovereign,

WHEREAS *by an act of parliament made and paſſed in the twelfth year of the reign of your Majeſty's late royal brother King* William *the Third (of glorious memory) intituled,* An act for granting to his Majeſty ſeveral duties upon low wines or ſpirits of the firſt extraction, and continuing ſeveral additional duties upon coffee, tea, chocolate, ſpices, and pictures, and certain impoſitions upon hawkers, pedlars, and petty chapmen, and the duty of fifteen *per centum* upon muſlins, and for improving the duties upon japanned and lacquered goods, and for continuing the coinage duty, for the ſeveral terms and purpoſes therein mentioned, *certain duties upon low wines, or ſpirits of the firſt extraction, were granted for a term, to continue until the twenty fifth day of* March, *one thouſand ſeven hundred and ſix; and certain duties, which by an act of the ſixth year of his ſaid late Majeſty's reign, had been impoſed upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, were by the ſaid act of the twelfth year of his ſaid late Majeſty's reign, enacted to be continued until the firſt day of* May, *one thouſand ſeven hundred and ſix; and by the ſame act certain duties or ſums of money to be paid by every hawker, pedlar, petty chapman, and other trading perſons deſcribed in a former act for licenſing hawkers and pedlars, and the powers for granting ſuch licences, were enacted to be continued until the four and twentieth day of* June, *one thouſand ſeven hundred and ſix; and a duty upon muſlins, after the rate of fifteen pounds for every one hundred pounds of the true and real value thereof, was likewiſe, by the ſaid act of the twelfth year of his ſaid late Majeſty's reign, enacted to be continued until the thirtieth day of* September, *one thouſand ſeven hundred and ſix, as by the ſame act (relation being thereunto* 12 W. 3. c. 11. 6 W. 3. c. 7. 9 & 10 W. 3. c. 27.

payable to her Majeſty, her heirs and ſucceſſors, upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

Clauſe of 2 W. & M. ſ. 2. c. 9. ſect. 12. revived.

III. And it is hereby enacted, That a certain clauſe in an act made in the ſecond year of the reign of King *William* and Queen *Mary*, intituled, *An act for the encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties on low wines or ſpirits of the firſt extraction*, relating to ſtrong waters, brandy, *Aqua vitæ*, and other exciſeable liquors brought from the iſlands of *Guernſey*, *Jerſey*, *Sark*, or *Alderney*, and all the charges, duties, penalties, and every article and thing therein contained, which were revived by the ſaid act of the twelfth year of his ſaid late Majeſty's reign, and were to be of full force during the continuance thereof, ſhall be further continued, and be of full force and virtue, during the continuance of this preſent act, in as full and ample manner, to all intents and purpoſes, as if the ſaid clauſe was herein word for word repeated.

IV. *And whereas great abuſes have been committed by ſeveral perſons in lending or letting out to hire the licences by them taken out to trade as hawkers, pedlars, or petty chapmen*; be it enacted and declared by the authority aforeſaid, That from and after the firſt day of *May*, one thouſand ſeven hundred and five, every perſon, who being actually trading as an hawker, pedlar, or petty chapman (for which he or ſhe ought to have a licence, purſuant to this or the ſaid act of the twelfth year of his ſaid late Majeſty's reign) ſhall not, upon demand, have his, her, or their licences ready to be produced, ſhall be adjudged to forfeit, as if ſuch perſon had traded without any licence granted to him, her, or them; and ſuch perſon in that caſe ſhall and may be committed, and the forfeiture recovered and levied in ſuch manner, as is directed by this or any of the former acts for licenſing hawkers, pedlars, and petty chapmen, in caſe of trading without licence: and that from and after the ſaid firſt day of *May*, one thouſand ſeven hundred and five, in caſe any perſon ſhall lend or let out to hire any licence to him or her granted, the perſon lending or letting out to hire ſuch licence, and the perſon trading under colour of the ſame, ſhall either of them forfeit the ſum of forty pounds, one moiety thereof to the Queen's majeſty, the other moiety thereof to any perſon that will inform or ſue for the ſame, to be recovered, with coſts of ſuit, by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record, and the perſon ſo lending or letting out to hire ſuch licence ſhall alſo forfeit the ſame.

Penalty on pedlar letting out his or her licence.

V. And for the increaſing her Majeſty's revenues upon ſome of the commodities before in this act charged (to wit) upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, to be imported within or during the term herein after-mentioned; and to the end more money may be raiſed thereby for carrying on the ſaid war, and

other

other her Majeſty's moſt neceſſary occaſions, it is hereby further enacted by the authority aforeſaid, That there ſhall be anſwered and paid to her Majeſty, her heirs and ſucceſſors, for and upon all and all manner of coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, which ſhall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, at any time or times after the firſt day of *February*, one thouſand ſeven hundred and four, and before the four and twentieth day of *June*, one thouſand ſeven hundred and ten, over and above all duties, and additional duties already payable for the ſame, or any of them, by any other law now in force, and over and above the ſaid continued duties chargeable thereupon by this act, the new additional rates and ſums following; that is to ſay, for every hundred weight of coffee imported, as aforeſaid, accounting one hundred and twelve pounds to the hundred, ſix and fifty ſhillings of lawful *Engliſh* money; for every hundred weight of cocoa nuts imported, and containing as aforeſaid, from any the plantations belonging to the crown of *England*, ſix and fifty ſhillings; for every hundred weight of cocoa nuts imported, and containing as aforeſaid, from any other country or place from whence they may by law be imported, four pounds and four ſhillings of like lawful *Engliſh* money; for every pound of chocolate ready made, and imported as aforeſaid, one ſhilling; for every pound of cocoa paſte, imported as aforeſaid, two ſhillings; for every pound of tea, regularly imported as aforeſaid, from whence the ſame might lawfully have been imported before the making of the ſaid act of the ſixth year of his ſaid late Majeſty's reign, one ſhilling; for every pound of tea, imported as aforeſaid, from *Holland*, or any other country, not the place of its growth, or uſual ſhipping, two ſhillings and ſix pence, and ſo proportionably for any greater or leſſer quantity of any the commodities imported as aforeſaid, reſpectively; for all nutmegs, cinnamon, cloves, and mace imported as aforeſaid, five pounds for every hundred pounds value thereof, according to the ſeveral values charged on them reſpectively in the book of rates, and ſo in proportion for any greater or leſſer quantity thereof; and for all pictures imported within the time aforeſaid, whether for private uſe, or ſale (which are hereby permitted to be imported during the continuance of this act, any law or uſage to the contrary notwithſtanding) twenty pounds of lawful *Engliſh* money *per centum* of the value, to be affirmed by the oath of the importer, and ſo in proportion for any greater or leſſer quantity thereof.

Duties on coffee, &c. continued, and to pay 5*6s.* per hundred additional duty. 10 Geo. 1. c. 10. 12 Geo. 2. c. 26.

Cocoa nuts 5*6s.* per hundred from the plantations: from any other country 4*l.* 4*s.* per cent. Chocolate imported 12*d.* per lib. Cocoa paſte 2*s.* per lib. Tea 1*s.* per lib. Tea imported from Holland, &c. 2*s.* 6*d.* per lib. Nutmegs, cinnamon, cloves, and mace imported 5*l.* per cent. Pictures 20*l.* per cent.

VI. Provided always, and it is hereby enacted, That it ſhall and may be lawful for any perſon or perſons to import into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, during the continuance of this act, nutmegs, cinnamon, cloves, mace, and tea, ſubject to the ſeveral duties payable for the ſame, from any parts beyond the ſeas, in *Engliſh* ſhips, ſo as the maſter, and at leaſt one moiety of the mariners, during the continuance of the preſent war, be *Engliſhmen*; and

Proviſo for importing nutmegs, cinnamon, &c.

ſo

ſo as after the end of this war, and during the continuance of this act, the maſter and at leaſt three fourths of the mariners be *Engliſh*; and ſo as notice be firſt given to the commiſſioners of her Majeſty's cuſtoms, of the quality and quantity of the ſaid ſpices and tea ſo intended to be imported, and the place in which they intend to import the ſame; and taking a licence under the hands of the commiſſioners of the cuſtoms for the time being, or any three of them, for the lading and importing thereof, as aforeſaid; which licence they are hereby authorized and required to grant without any fee or reward, or any other charge to the perſon demanding the ſame; any law, cuſtom, or uſage to the contrary notwithſtanding.

Repealed as to tea by 7 Geo. 1. c. 21. ſ. 12.

Drawback allowed on exportation, &c.

VII. And be it enacted by the authority aforeſaid, That all the additional duties laſt-mentioned, for and upon the ſaid coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, to be imported, from and after the ſaid firſt day of *February*, one thouſand ſeven hundred and four, at any time or times before the ſaid four and twentieth day of *June*, one thouſand ſeven hundred and ten, and all arrearages thereof (over and above all other duties on the ſame commodities reſpectively) ſhall be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, to the uſes and purpoſes in this act expreſſed, by ſuch rules, ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch diſtribution of the ſaid penalties and forfeitures, and ſubject to ſuch drawbacks, allowances, and repayments to be made, of or out of the ſaid additional duties laſt-mentioned reſpectively, upon the exportation of the ſaid commodities laſt enumerated (coffee, tea, and cocoa nuts, for which other proviſion is made by this act, only excepted) or any of them reſpectively, as the like reſpective duties, by virtue of the ſaid act of the twelfth year of his ſaid late Majeſty's reign, or by virtue of this preſent act, or any other act now in force relating thereunto, are to be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, or accounted for, during the continuance thereof reſpectively; and upon the exportation of coffee, tea, and cocoa nuts, within the times limited by law, ſo much as ſhall have been paid for the ſame, for ſuch of the ſaid duties as are by this act to commence from the ſaid firſt day of *February*, one thouſand ſeven hundred and four, ſhall be repaid to the exporter, under ſuch regulations as are preſcribed by any former acts for drawbacks, in caſe of exportation of thoſe commodities reſpectively.

See 7 Geo. 1. ſtat. 1. c. 21. ſ. 11.

Additional duties on

VIII. And her Majeſty's ſaid dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, being deſirous by the moſt reaſonable ways and means to raiſe the monies neceſſary for carrying on the ſaid war, and other her Majeſty's important occaſions, have for that end and purpoſe alſo given and granted to her Majeſty the further duties herein after mentioned: and be it enacted, and it is hereby further enacted by the authority aforeſaid, That there ſhall be anſwered and paid to her Majeſty, her heirs and ſucceſſors, for and upon all white callicoes,

callicoes, porcelan, commonly called *China* ware, and drugs (except drugs for dying) which from and after the firſt day of *February*, one thouſand ſeven hundred and four, and at any time or times before the ſaid four and twentieth day of *June*, one thouſand ſeven hundred and ten, are or ſhall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed* (over and above all other duties payable for the ſame at the cuſtom houſe) the further rates and ſums following; that is to ſay, for and upon all white callicoes (by which are meant, all callicoes which do not pay duties as muſlins, and all dimities and other manufactures made of cotton) which within the times aforeſaid ſhall be imported, as aforeſaid, a duty after the rate of fifteen pounds of lawful *Engliſh* money for every hundred pounds of the true and real value of the ſaid callicoes, to be aſcertained upon the ſale at the candle, as is herein after mentioned; and for and upon all porcelan, commonly called *China* or *Japan* ware, made of earth, which within the times aforeſaid are or ſhall be imported as aforeſaid, a duty after the rate of twelve pounds of like money for every hundred pounds of the true and real value thereof, to be alſo aſcertained by the ſale at the candle, as is herein after mentioned; and for and upon all drugs (dying drugs excepted) which are rated in the book of rates, and are or ſhall be imported as aforeſaid, a duty after the rate of ten pounds of like money for every hundred pounds worth thereof, according to the ſeveral values charged on them reſpectively in the ſaid book of rates; and for and upon unrated drugs (dying drugs excepted) which are or ſhall be imported within the days and times laſt mentioned, a duty after the rate of four pounds of like money for every hundred pounds of the true and real value thereof, to be aſcertained as is herein after mentioned, and ſo proportionably for any greater or leſſer quantity of any the commodities laſt mentioned reſpectively: and it is hereby declared, That by *unrated drugs*, chargeable by this act, are meant, all bark called *clove bark*, all bark called *jeſuits bark*, *callabaſha*, *caſſena*, *feechia*, *brugiata*, *grana germanica*, gum mountjack, jeſſamine ointment, *lapis hyacinthiæ*, oil of anniſeeds, oil of carraway-ſeeds, oil of cinnamon, oil of cloves, oil of *copavia*, or balſam of *copavia*, oil of juniper, oil of *lignum rhodium*, oil of peony, oil of ſaſſafraſs, pomatum, *ſal tamariſcæ*, and all chymical ſalts, ſnake root, *terra dulcis*, turpentine of *Germany*, all chymical preparations, phyſical oils and medicinal drugs (excepting unrated drugs uſed for dying, and except coffee, tea, chocolate, cocoa paſte, and cocoa nuts.) And it is hereby alſo declared, That by ſuch dying goods, as are by this act, or any other acts, exempted from payment of the reſpective duties by this or the ſaid other acts granted, are meant the goods following (*viz.*) *aqua-fortis*, *argoll*, *anotto*, allum of all ſorts, *archelia* or *Spaniſh* weed, cocheneal, cream of tartar, copperas of all ſorts, gum arabick, gum *ſeneca*, ſticklack, cakelack, madder roots, or *rubia tinctorum*, ſaunders red, ſal armoniack, ſal gem, turneſole, verdigreaſe, iſing glaſs, platain, litharge of all ſorts, bay-

white callicoes, porcelan, and drugs. *Continued by* 6 Annæ, c. 22. *for* 4 *years, and perpetuated* by 7 Ann. c. 7. ſ. 26.

Callicoes 15 l. per cent.

China wares 12 l. per cent.

Drugs (except dying drugs) 10 l. per cent.

Unrated drugs 4 l. per cent.

What is meant by unrated drugs.

By 1 Geo. 1. ſtat. 2. c. 41. ſ. 3. ſenna *is to pay duties.*

bayberries, antimony, pomegranate, pills arſenick, agarick, ſenna, gauls, indico of all ſorts, litmus, madder of all ſorts, orchall, ſafflore, ſhumack, *caſſumba*, log wood, brazile wood, brazeletto wood, nickerago wood, fuſtick, red wood, ſapan wood, woad, weld, valonia grain or ſcarlet powder, grain of *ſevil* in berries, and grains of *Portugal* or *Rota*, *Engliſh* berries from the plantations, *French* berries, and ſalt petre.

How the duties on callicoes ſhall be aſcertained and paid;

IX. And be it further enacted by the authority aforeſaid, That the ſaid duties hereby granted for and upon all white callicoes imported, ſhall be ſecured, aſcertained, valued, raiſed, levied, collected, anſwered, and paid, according to the groſs price thereof, upon ſale at the candle, by ſuch ways and means, and ſubject to ſuch of the like allowances, and under ſuch penalties and forfeitures, and in ſuch manner and form, as the duties of fifteen *per centum* on muſlins imported, by the ſaid act of the

12 W. 3. c. 11. twelfth year of his ſaid late Majeſty's reign, are to be ſecured, raiſed, levied, collected, anſwered, or paid; and that the ſaid reſpective duties hereby granted, for and upon the ſaid *China* or

and the duties on China ware and unrated drugs. *japan* ware, and for and upon all ſuch of the ſaid unrated drugs, imported from the *Eaſt Indies*, *Perſia*, *China*, or other parts within the limits of the charters granted to the *Eaſt India* companies, ſhall be ſecured, aſcertained, valued, raiſed, levied, collected, anſwered, and paid, according to the prices thereof, upon ſale at the candle, by ſuch ways and means, and with ſuch ſeveral and reſpective allowances, and under ſuch penalties and forfeitures, and in ſuch manner and form, as the duties of unrated goods from the *Eaſt Indies*, *China*, or other parts within the limits of the charters granted to the *Eaſt India* companies, are enacted, preſcribed, or appointed to be ſecured, aſcertained, valued, raiſed, levied, collected, anſwered, or paid, by an act paſſed in the ſecond year of

2 Annæ, c. 9. her Majeſty's reign, intituled, *An act for granting to her Majeſty an additional ſubſidy of tunnage and poundage for three years, and for laying a further duty upon* French *wines condemned as lawful prize, and for aſcertaining the values of unrated goods imported from the* Eaſt Indies: and that the value of all ſuch of the ſaid unrated drugs, as ſhall be imported from any parts or places (other than the *Eaſt Indies*, *Perſia*, *China*, and other parts within the limits of the charters aforeſaid) according to which the ſaid duty of four *per centum* is to be paid, ſhall be affirmed by the oaths of the importers of ſuch drugs reſpectively.

Importer to pay the 4l. per cent. on unrated drugs.

X. And be it further enacted by the authority aforeſaid, That the ſaid duties of four *per centum*, by this act impoſed upon unrated drugs, imported from parts not within the limits of the charters granted to the ſaid *Eaſt India* companies, ſhall be paid by the reſpective importers of the ſame upon the importation thereof.

Goods landed before entry forfeited.

XI. And it is hereby enacted, That in caſe any of the ſaid callicoes, *China* ware, rated or unrated drugs, hereby charged as aforeſaid, ſhall be landed or put on ſhore out of any ſhip or veſſel, before due entry be made thereof at the cuſtom houſe in the port or place where the ſame ſhall be imported, and before the

the ſaid duties by this act charged or chargeable thereupon ſhall be ſecured or paid, as this act doth require in the reſpective caſes aforeſaid, or without a warrant for the landing or delivering the ſame, firſt ſigned by the commiſſioners, collectors, or other proper officer or officers of the cuſtoms reſpectively, that all ſuch imported callicoes, *China* ware, and drugs, as ſhall be ſo landed and put on ſhore, or taken out of any ſhip or veſſel, contrary to the true meaning hereof, or the value of the ſame, ſhall be forfeited, and ſhall and may be ſeized or recovered of the importer or proprietor thereof (to wit) two thirds of the ſame to the uſe of her Majeſty, her heirs or ſucceſſors (ſhe or they bearing the charge of proſecution) and the other third to the uſe of ſuch perſon or perſons as will ſeize, inform, or ſue for the ſame, or the value thereof, by action, bill, ſuit, or information, wherein no eſſoin, protection, or wager of law ſhall be allowed.

On exportation duties to be repaid. *Theſe twelve, nine, and eighteen months, are enlarged to* 3 *years by* 7 Geo. 1. ſtat. 1. c. 21. ſ. 10.

XII. Provided always, and be it further enacted and declared by the authority aforeſaid, That in caſe any of the ſaid callicoes and *China* wares, upon which the ſaid further duties by this act granted are paid or ſecured to be paid, as aforeſaid, be again exported at any time or times within twelve months by *Engliſh*, or within nine months by aliens; or if any of the ſaid rated or unrated drugs, for which the ſaid further duties by this act granted ſhall be paid as aforeſaid, be again exported by any *Engliſh* merchants within eighteen months, or by aliens within nine months, to be accounted from the reſpective times of the entry of the ſaid goods inwards, and that due proof be firſt made upon oath, that the ſaid callicoes, *China* wares, and drugs ſo exported be the ſame for which the ſaid duties are paid and ſecured to be paid, as aforeſaid, that then and in every ſuch caſe (and not otherwiſe) the ſame duties ſo paid ſhall, without any delay or reward, be wholly repaid out of any the duties on imported commodities by this act granted, or the ſecurity, for ſuch of the ſaid duties as ſhall be ſecured, ſhall be vacated, as to ſo much of the ſaid callicoes, *China* wares, and drugs, as ſhall be ſo exported; any thing in this act to the contrary notwithſtanding.

Duties to be paid into the Exchequer.

XIII. And it is hereby further enacted, That all the duties by this act granted or continued (except the neceſſary charges for raiſing and managing the ſame) ſhall, from time to time, by the reſpective receivers thereof, be brought into her Majeſty's receipt of the Exchequer, for the purpoſes in this act mentioned.

Wholeſale traders not to be deemed pedlars.

XIV. Provided nevertheleſs, That whereas ſeveral doubts have ariſen touching traders in the woollen or linen manufactures, who trade by wholeſale, and ſet many thouſands of poor to work, and yet, for want of the convenience of water carriage, are obliged to ſend their goods, when manufactured, by horſes and otherwiſe to the publick markets, fairs, and other places; be it enacted and declared by the authority aforeſaid, That all perſons trading in the woollen or linen manufactures of this kingdom, and ſelling the ſame by wholeſale, ſhall not be deemed or taken to be hawkers, pedlars, or petty chapmen within this

or any other act, but that ſuch perſon or perſons, and thoſe that ſhall be immediately imployed under them to ſell by wholeſale only, may carry abroad, expoſe, and ſell the ſaid manufactures; any thing in this act or any other act or acts to the contrary thereof notwithſtanding.

Proviſo. XV. Provided always, and it is hereby declared, That no goods or merchandizes imported or brought into any ports of *England* or *Wales*, before the ſaid firſt day of *February*, one thouſand ſeven hundred and four, and afterwards imported or brought into any other port or ports of this kingdom from the ports where they ſo firſt arrived, ſhall be liable to pay the new duties by this act granted, to commence from the ſame firſt day of *February*; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Clauſe of loan not exceeding 700,000 l. at 6 l. per cent. 12 W. 3. c. 12. XVI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to lend to her Majeſty, at the receipt of the Exchequer, upon credit of all the monies which ſhall ariſe by the ſaid act of the twelfth year of his ſaid late Majeſty's reign, after ſatisfaction of all the loans, not exceeding three hundred thouſand pounds, made thereupon, and all the intereſt due and to be due for the ſaid loans, and every of them, or reſerving ſufficient to ſatisfy the ſame, and upon credit of all the ſeveral duties upon low wines and ſpirits of the firſt extraction, coffee, tea, chocolate, cocoa, ſpices, and pictures, hawkers, pedlars, petty chapmen, and muſlins, by this act continued, as aforeſaid, and upon credit of the additional duties of coffee, tea, chocolate, cocoa, ſpices, and pictures, by this act granted, and of the new duties upon callicoes, *China* ware, and drugs, and upon credit of all other duties by this act granted or continued; any ſum or ſums of money, not exceeding in the whole the ſum of ſeven hundred thouſand pounds, at an intereſt not exceeding the rate of ſix pounds *per centum per annum*.

See 6 Annæ, c. 22. & 3 Geo. 1. c. 7. ſ. 19.

XVII. And to the end all the money, that ſhall be ſo lent to her Majeſty, may be well and ſufficiently ſecured and repaid with intereſt, as aforeſaid; be it further enacted by the authority aforeſaid, That all the monies ariſing by the ſaid duties, upon which the ſaid loans are to be made (other than the neceſſary charges of raiſing and managing the ſaid duties) ſhall be brought and paid from time to time weekly into the receipt of the Exchequer; that is to ſay, on *Wedneſday* in every week, if it be not an holiday, and if it be, then the next day after that is not an holiday; and that there ſhall be provided and kept in her Majeſty's Exchequer, that is to ſay, in the office of the auditor of the receipt, one book, in which all the ſaid monies, which ſhall be ſo paid into the Exchequer, ſhall be entred apart and diſtinct from all other monies paid or payable to her Majeſty, her heirs and ſucceſſors, upon any account whatſoever.

Money to be paid into the Exchequer.

A book to be kept for entring the ſame.

Tallies of loan to be levied. XVIII. And be it further enacted by the authority aforeſaid, That from time to time upon making of ſuch loans to be made

in

in purſuance of this act, as aforeſaid, tallies of loan ſhall be levied for all and every ſum and ſums of money ſo to be lent; and that orders, according to the courſe of the Exchequer, ſhall be drawn and ſigned for repayment of the ſame, and for payment of ſuch intereſt, as aforeſaid, for the forbearance thereof, the ſaid intereſt to be paid every three months, until ſatisfaction of the principal ſum; and that all and every ſuch order and orders, and the monies therein to be contained, or any part thereof, ſhall be aſſignable and transferrable without power of revocation, ſo as the aſſignments thereof be indorſed upon the reſpective orders, and entred and notified in the office of the auditor of the receipt of Exchequer, in a book to be there kept for that purpoſe; and that a diſtinct regiſter ſhall be kept in the ſaid receipt of Exchequer of all the ſaid orders of repayment, not exceeding ſeven hundred thouſand pounds principal money, in which the ſaid orders ſhall be regiſtred in courſe, according to the date of the tallies reſpectively, without any other preference of one before another; and that every perſon ſhall be paid in courſe, as his order ſhall ſtand entred in ſuch regiſter book, out of the monies ariſing by the ſaid duties or payments, upon the credit whereof the ſaid loans ſhall be made, as aforeſaid, which are hereby appropriated thereunto; and that no fee, reward, or gratuity, directly or indirectly, ſhall be demanded or taken for proviſding or making any ſuch book or regiſter, or for any view or ſearch in the ſame, by any of her Majeſty's officers, their clerks or deputies, on pain of forfeiting treble damages to the party grieved, with treble coſts of ſuit, to be recovered by action of debt, or on the caſe, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, by any perſon or perſons who will ſue for the ſame, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed, either for demanding or taking any ſuch fee or gratuity, or for giving any undue preference in point of regiſtry or payment, or for diverting or miſapplying any of the monies of the ſaid duties, contrary to the true meaning of this act.

Orders for repayment.

Intereſt paid every three months.

Orders may be aſſigned.

A diſtinct regiſter to be kept of all the orders of repayment.

Orders to be paid in courſe.

No fee to be taken for regiſtring or ſearches.

Penalty.

XIX. Provided always, That if it ſhall happen that ſeveral of thoſe tallies, and orders bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, it ſhall be interpreted no undue preference which of thoſe be entred firſt.

No undue preference.

XX. Provided alſo, That it ſhall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, or the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their monies, and bring their orders, before other perſons that did not come to demand their monies, and bring their orders in courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; yet ſo as that intereſt of loan ſhall in that caſe ceaſe from the time the money is ſo reſerved and kept in bank for them.

CAP. V.

Two thirds subſidy.

An act for granting to her Majeſty a further ſubſidy on wines and merchandizes imported.

Moſt gracious Sovereign,

9 *W.* 3. *c.* 23. *This duty is made perpetual by* 7 Ann. c. 7. 1 Geo. 1. c. 12. 3 Geo. 1. c. 8. & 5 Geo. 1. c. 3. *and part of the* aggregate fund.

WHEREAS *by an act of parliament made and paſſed in the ninth year of the reign of your Majeſty's late royal brother King* William *the Third, of glorious memory, intituled,* An act for granting to his Majeſty a further ſubſidy of tunnage and poundage, towards raiſing the yearly ſum of ſeven hundred thouſand pounds, for the ſervice of his Majeſty's houſhold, and other uſes, therein mentioned, during his Majeſty's life, *it was enacted, That over and above all ſubſidies of tunnage and poundage, and over and above all additional duties, impoſitions, and other duties whatſoever, therein mentioned, there ſhould be raiſed and paid to his Majeſty one other ſubſidy, called* Tunnage, *for and upon all wines, which from and after the laſt day of* January, *in the year of our Lord one thouſand ſix hundred ninety nine, at any time or times during his Majeſty's life, ſhould be imported or brought into the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed; *and one further ſubſidy, called* Poundage, *of all manner of goods and merchandizes imported or brought into this realm, or any his Majeſty's dominions to the ſame belonging, at any time or times after the ſaid laſt day of* January, *one thouſand ſix hundred ninety nine, during his Majeſty's life, by way of merchandize (except ſuch goods and merchandizes as are therein excepted) and with ſuch abatements, regulations, directions for making repayments or allowances upon exportation, and ſubject to ſuch rules, and other matters and things touching the ſaid ſeveral ſubſidies, as in the ſaid act are expreſſed; which ſaid further ſubſidies of tunnage and poundage, and other duties upon wine, goods, and merchandizes, granted by the act above recited, are to be raiſed and paid to your Majeſty during your life, by virtue of another act of parliament made and paſſed in the firſt year of your Majeſty's reign, intituled,* An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown: *and by another act made and paſſed in the ſecond year of your Majeſty's reign, intituled,* An act for granting to her Majeſty an additional ſubſidy of tunnage and poundage for three years, and for laying a further duty upon *French* wines condemned as lawful prize, and for aſcertaining the values of unrated goods imported from the *Eaſt Indies, a further ſubſidy of tunnage upon all wines, which were to be imported during the term therein mentioned (that is to ſay) one third part of ſuch or the like duties, as by the ſaid recited acts, or either of them, were impoſed upon wines; and one other ſubſidy of poundage of goods and merchandizes, which were to be imported during the term therein mentioned (that is to ſay) one third part of ſuch or the like ſeveral duties as by the ſaid recited acts, or either of them, are impoſed upon the ſame goods and merchandizes reſpectively (except as therein is excepted) are already granted to your Majeſty, in the manner therein expreſſed, as by the ſaid ſeveral acts (relation being thereunto*

1 *Annæ, ſtat.* 1. *c.* 7.

2 *Annæ, c.* 9.

See 5 Geo. 1. *c.* 3. *ſ.* 34.

unto ſeverally had) *may more fully appear:* now we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, for the better enabling your Majeſty to carry on the preſent war, and to defray your other neceſſary expences, do cheerfully and unanimouſly give and grant unto your moſt excellent Majeſty the additional rates, duties, and ſums of money, herein after mentioned, and do moſt humbly beſeech your Majeſty, that it may be enacted: and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That over and above the ſubſidies of tunnage and poundage above mentioned, and over and above all other ſubſidies, additional duties, impoſitions, and payments, whatſoever, by any other act or acts of parliament, or otherwiſe however already due or payable, or which ought to be paid to her Majeſty for or upon any wines, goods, or merchandizes whatſoever, imported or to be imported, there ſhall be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty, one other ſubſidy, called *Tunnage*, for and upon all wines, which from and after the eighth day of *March*, one thouſand ſeven hundred and four, at any time or times within or during the ſpace of four years from thence next and immediately enſuing, ſhall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, (that is to ſay) two third parts of ſuch or the like ſeveral and reſpective duties, as by the ſaid act of the ninth year of his ſaid late Majeſty's reign were granted, and by the ſaid act of the firſt year of her Majeſty's reign are continued and payable for or upon any kind of wine or wines reſpectively: and one other ſubſidy, called *Poundage*, of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majeſty's dominions to the ſame belonging, at any time or times after the ſaid eighth day of *March*, one thouſand ſeven hundred and four, during the ſaid term of four years, by way of merchandize (that is to ſay) two third parts of ſuch or the like ſeveral and reſpective duties, as by the ſaid act of the ninth year of his ſaid late Majeſty's reign were granted, and by the ſaid act of the firſt year of her Majeſty's reign are continued and payable for or upon the ſame goods and merchandizes reſpectively; except tobacco, and ſuch currans as ſhall be imported in *Engliſh* built ſhipping, navigated according to the laws now in force, and ſugar from the *Engliſh* plantations, and ſuch goods and other merchandizes as by the two acts laſt mentioned, or either of them, are exempted from payment of the ſubſidies thereby granted.

Additional duty of tunnage granted for 4 years.

On all wines imported.

Additional poundage. *See* 11 *Geo.* 1. *c.* 7.

Except tobacco and currans, and ſugar from the Engliſh plantations.

II. And it is hereby enacted, That in all caſes where by the ſaid two acts laſt-mentioned, or either of them, any drawbacks or abatements are to be made of the whole or any part of the duties thereby impoſed, there ſhall be in the like caſes proportionable drawbacks and abatements made of the whole or part of the duties by this act granted reſpectively; and that the ſeve-

Duties how to be raiſed and levied, and drawbacks proportioned.

Currans imported in Venetian *ſhips provided for by* 8 Annæ, c. 13. ſ. 21.

ral ſubſidies and duties by this act granted, during the continuance thereof, ſhall be raiſed, collected, levied, ſecured, and paid, by the ſame ways, means, and methods, and under ſuch penalties and forfeitures, and ſubject to ſuch rules and directions, as in and by the ſaid former acts, or any of them, are preſcribed or appointed touching or concerning the ſaid ſubſidies of tunnage and poundage, which were thereby granted, as aforeſaid; and that every article, rule, and clauſe contained in the ſaid recited acts, or any of them, concerning the ſaid ſubſidies of tunnage and poundage formerly granted, as aforeſaid, and now in force, ſo far forth as the ſame do or may relate to the ſubſidies or duties formerly granted, as aforeſaid, ſhall be uſed, exerciſed, and put in practice, for the raiſing, levying, collecting, and anſwering the ſubſidies and duties hereby before granted, as fully and effectually, as if the ſame articles, rules, and clauſes, and every of them, were again particularly and at large recited and re-enacted in the body of this preſent act; except only as to ſuch of the ſaid articles, rules, and clauſes, touching which other proviſions, alterations, or exemptions are made by any act or acts of parliament now in being; which other proviſions, alterations, or exemptions ſhall be obſerved, with reſpect to the duties hereby granted, during the continuance of this act, in the ſame manner as they are to be obſerved with reſpect to the ſaid ſubſidies formerly granted, as aforeſaid.

Acts aforeſaid to be in force for levying the duties hereby granted.

Exception.

Penalty on officer taking fee for entry, &c.

III. And be it further enacted by the authority aforeſaid, That the officers of her Majeſty's cuſtoms, or any of them, or any of their clerks or ſubſtitutes, ſhall not directly or indirectly receive, take, or demand any fee, gratuity, or reward whatſoever, from any her Majeſty's ſubjects or aliens for any entry, warrant, debenture, certificate, cocquet, or other matter or thing to be done or performed by them or any of them, in relation only to the ſaid ſubſidies of tunnage and poundage herein before granted, on pain of forfeiting for every ſuch offence the ſum of forty pounds (to wit) one third thereof to her Majeſty, and the other two thirds thereof (beſides coſts of ſuit) to the party grieved, who may ſue for the ſame by action of debt, or on the caſe, bill, ſuit, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed.

Proviſo.

IV. Provided, That nothing in this act ſhall extend, or be conſtrued to extend, to charge any goods or merchandize chargeable by this act, imported in any port of *England* or *Wales* before the ſaid eighth day of *March*, one thouſand ſeven hundred and four.

Act not to affect foreign ſtores ſold for the uſe of the navy.

V. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That the new or additional duties impoſed by this act, ſhall not extend to affect ſuch foreign ſtores, as have been ſold to the uſe of her Majeſty's navy, by contract with the navy board, before the five and twentieth day of *December*, one thouſand ſeven hundred and four, ſo as a certificate be given from the commiſſioners of the navy, that ſuch foreign ſtores have been

ſo

ſo contracted for by them for her Majeſty's ſervice, as aforeſaid; and ſo as the importer of the ſame do make oath before the commiſſioners appointed to manage the cuſtoms (which oath they are hereby impowered to adminiſter) of the truth of the ſaid contract, and that he will deliver the ſaid goods into her Majeſty's ſtores, purſuant to the contract ſo certified by the commiſſioners of the navy.

Clauſe of loan not to exceed 636,957l. 4s. 0d.

VI. And be it further enacted by the authority aforeſaid, That all the monies, ariſing by the ſaid ſubſidy of tunnage and poundage, and other the duties hereby granted, as aforeſaid (except the neceſſary charges of raiſing and anſwering the ſame) ſhall from time to time be brought and paid into the receipt of her Majeſty's Exchequer; and that it ſhall and may be lawful to and for any perſon and perſons, natives or foreigners, bodies politick or corporate, to lend to her Majeſty at the ſaid receipt, upon credit thereof, any ſum or ſums of money, not exceeding in the whole the ſum of ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny; and to have and receive, for the forbearance thereof, intereſt after the rate of ſix pounds *per centum per annum*, to be paid every three months from the making of ſuch loans, until ſatisfaction of the principal ſums reſpectively; and that the monies ſo to be lent ſhall not be rated or aſſeſſed to any tax or aſſeſſment whatſoever; and that every ſuch lender ſhall immediately have a talley of loan ſtruck for the money by him, her, or them lent, and an order of the ſame date for repayment thereof, with ſuch intereſt as aforeſaid; and that all ſuch orders ſhall be regiſtred in courſe, according to their dates, on a regiſter to be kept by the auditor of the ſaid receipt for that purpoſe; and all perſons on the ſaid regiſter ſhall be paid in courſe, as their orders ſhall ſtand regiſtred, ſo as the perſon, native or foreigner, his executors, adminiſtrators, or aſſigns, whoſe orders ſhall be firſt regiſtred, ſhall be accounted the perſon to be firſt paid out of the money to come in by this act; and he or they, who ſhall have his or their order or orders next entred, ſhall be taken to be the ſecond perſon to be paid, and ſo in courſe; and that the monies to come in by the ſaid ſubſidy of tunnage and poundage, and other the duties hereby granted, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective perſons, their executors, adminiſtrators, or aſſigns ſucceſſively, without undue preference of one before another, and not otherwiſe, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of her Majeſty's ſubjects for providing or making of any ſuch books or regiſters, or any entries, views, or ſearch in or for payment of money lent, or the intereſt thereof, as aforeſaid, by any of her Majeſty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with treble coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if

with intereſt at 6l. per cent.

Monies lent not to be taxed.

Lenders to have tallies of loan, and orders for re-payment.

Orders to be regiſtred and paid in courſe.

No undue preference.

Nor fee to be taken for entries, &c.

Penalty on officers or clerks offending.

if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable, by action of debt, or on the caſe, to pay the value of the debt, with damages and coſts, to the party grieved, and ſhall be for ever incapable of his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after incapable of his place or office; and in caſe the auditor of the receipt ſhall not direct, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid: all which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

What ſhall not be accounted undue preference.

VII. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment, as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe be entred firſt, ſo as he enters them all the ſame day.

VIII. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their monies, and bring their orders, before other perſons that did not come to take their monies, and bring their orders in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Orders may be aſſigned, and aſſignee may aſſign again.

IX. And be it further enacted, That all and every perſon and perſons, to whom any money ſhall be due for loans by virtue of this act, after order entred in the book of regiſter, as aforeſaid, his or their executors, adminiſtrators, or aſſigns, by indorſement of his order may aſſign or transfer his right, title, intereſt, and benefit of ſuch order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt aforeſaid, and an entry or memorial thereof alſo made in the ſaid book or regiſtry (which the officers ſhall upon requeſt, without fee or charge, accordingly make) ſhall intitle ſuch aſſignee, his executors, adminiſtrators, ſucceſſors, and aſſigns, to the benefit thereof, and payment thereon; and ſuch aſſignee may in like manner

ner aſſign again, and ſo *toties quoties*, and afterwards it ſhall not be in the power of ſuch perſon or perſons, who ſhall make ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

X. And be it further enacted by the authority aforeſaid, That all the monies which ſhall be lent to her Majeſty on the credit of the ſaid ſubſidies and duties by this act granted, and all the monies which are or ſhall be lent, contributed, or advanced to her Majeſty, upon every or any other act or acts of this ſeſſion of parliament, for granting any aid or ſupply to her Majeſty for carrying on the preſent war, and other her Majeſty's neceſſary and important occaſions; and ſo much of the ſeveral taxes and duties granted in this ſeſſion of parliament for the purpoſes aforeſaid, and charged or chargeable with loans made or to be made thereupon, as ſhall remain (over and above the monies thereof which are in the firſt place to go and be applied in repayment and ſatisfaction of all the ſaid loans, made or to be made thereupon, or upon any of them, and the intereſt thereof reſpectively, and over and above the charges to be allowed for raiſing the ſaid taxes and duties reſpectively) ſhall be appropriated, iſſued, and applied, and the ſame are hereby appropriated for or towards the ſeveral uſes and purpoſes herein after expreſſed (that is to ſay) for or towards the defraying the charges of the ordinary of her Majeſty's navy, and for victuals, wages, wear, tear, and other ſervices of the navy, and the victualling thereof, performed and to be performed; and for the ſea ſervice in the office of the ordnance, performed and to be performed, for or towards the ſupplying of ordnance ſtores for ſea ſervice, and for and towards the making of a wharf and ſtorehouſe at *Portſmouth*, and for paying the bounty or reward, which her Majeſty ſhall be pleaſed to beſtow, in conſideration of the good ſervice of thoſe who were on board her Majeſty's fleet, or at *Gibraltar*, at the time of the late engagement in the *Mediterranean Sea*; and for or towards the land ſervices, performed and to be performed, by the ſaid office of the ordnance, and to and for ſubſiſtence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thouſand ſeven hundred and four, to her Majeſty's guards and garriſons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the ſame; and for payment of invalids for the ſaid year, beginning from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and four; and for or towards the defraying the charge of her Majeſty's army, and ſuch forces as are or ſhall be added thereunto in the *Low Countries*, or *Germany*, within or for one year, to be reckoned from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and four, and the contingent charges thereunto belonging; and for paying the bounty or reward which her Majeſty ſhall be pleaſed to beſtow, in conſideration of the good ſervices performed by her land forces in *Germany*, during the laſt ſummer; and for or towards the defraying her Majeſty's part

Monies how appropriated.

part of the charge of the forces acting or to act in conjunction with the forces of the king of *Portugal*, until or at any time before the five and twentieth day of *December*, one thouſand ſeven hundred and five; and for defraying extraordinary expences of the war in the year one thouſand ſeven hundred and three, purſuant to the late treaty with *Portugal*; and for or towards the payment of her Majeſty's proportion of the ſubſidies due upon treaties made, or to be made, with her Majeſty's allies, and other charges for the ſervice of war, for any time before, or until the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five; and for or towards the recruiting the horſes of the *Engliſh* horſe and dragoons loſt at the battles of *Schellemberg* and *Blenheim*; and for or towards her Majeſty's proportion of the levy money, to recruit the men and horſes of the foreigners in the pay of her Majeſty and of the *States General* of the united provinces of the *Netherlands*, which were loſt in the ſame battles; and for or towards diſcharging of the *Premiums*, and other charges, for circulating the bills commonly called *Exchequer Bills*; and for or towards the charge of tranſportation of the land forces, performed and to be performed; and for and towards the charge of raiſing and maintaining five thouſand additional forces, to enable her Majeſty to ſupply the like number of men to act in conjunction with the forces of her Majeſty's allies, to ſerve with the fleet; and for payment of another year's intereſt, after the rate of five pounds *per cent.* for the unſatisfied debentures charged on the *Iriſh* forfeitures; and for or towards the ſums to be paid by her Majeſty to the king of *Pruſſia*, purſuant to the late treaty made with him for the ſupport of the duke of *Savoy*; and to none other uſe, intent, or purpoſe whatſoever.

Proviſo towards maintenance of the ſoldiers raiſed for ſea ſervice.

XI. Provided always, That out of the monies to be iſſued to the guards and garriſons, as aforeſaid, there ſhall and may be taken and applied any ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, towards the charge of maintaining the ſoldiers raiſed and to be raiſed for ſea ſervice, with their officers, and the contingent charges thereunto belonging; and out of the monies to be iſſued for the ſervice of the navy and ſea ſervices, as aforeſaid, there ſhall be taken and applied ſuch ſums, as, together with the ſaid ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds and ten ſhillings, ſhall be neceſſary for the charge of maintaining the ſaid ſoldiers for ſea ſervice, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithſtanding.

12 Car. 2. c. 18. 25 Car. 2. c. 7.

XII. *And whereas by the acts made in the twelfth and five and twentieth years of the reign of his late majeſty King* Charles *the Second, the former intituled,* An act for the encouraging and increaſing of ſhipping and navigation, *and the latter, intituled,* An act for the encouragement of the *Greenland* and *Eaſtland* trade, and for the better ſecuring the plantation trade, *certain commodities therein enumerated, of the growth, production, or manufacture*

This extended to copper ore by 8 Geo. 1. c. 18. ſ. 22.

ture of any of the Engliſh *plantations in* America, Aſia, *or* Africa, *are obliged to be imported into this kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *or to ſome other of the ſaid plantations, under the ſecurities and penalties in the ſaid acts particularly mentioned, to the end this kingdom might be made a ſtaple, not only of the commodities of thoſe plantations, but alſo of the commodities of other countries, for ſupplying them; ſince the making of which laws ſeveral commodities, which are not in the ſaid acts particularly enumerated, ſuch as rice and melaſſes, are produced and made in the ſaid plantations, and carried to divers foreign markets in* Europe, *without being firſt brought into this kingdom, dominion of* Wales, *or town of* Berwick *upon* Tweed, *contrary to the true intent and meaning of the aforeſaid laws, to the great prejudice of the trade of this kingdom, and the leſſening the correſpondence and relation between this kingdom, and the aforeſaid plantations:* for the prevention whereof for the future, be it enacted by the authority aforeſaid, That from and after the nine and twentieth day of *September*, one thouſand ſeven hundred and five, all rice and melaſſes ſhall be under like ſecurities and penalties reſtrained to be imported into this kingdom, dominion of *Wales*, and town of *Berwick* aforeſaid, as by the fore-recited acts, or either of them, is provided for the goods therein particularly enumerated.

Rice ſhipped in Carolina *in* America, *may be carried to any part of* Europe *Southward of Cape* Finiſtere, *&c.* 3 Geo. 2. c. 28. ſ. 2.

From 29 Sept. 1705. rice and melaſſes to be under the like ſecurities as other plantation goods, &c.

XIII. Provided always, and be it enacted, That nothing in this act contained, or any other act of parliament paſſed this ſeſſions, ſhall extend, or be conſtrued to extend, to charge the cargo, or any of the goods or merchandizes in the ſhip called the *Hern Frigot*, *William Morris* maſter thereof (which came from the *Weſt Indies*, and was chaſed into *Limerick* in *Ireland* by a *French* privateer, in the month of *July* laſt, and was forced to lie there until lately, for want of a convoy, ſo that ſhe could not arrive at *Plymouth* until the ſixth day of *February*, one thouſand ſeven hundred and four) with any of the new duties laid upon any of the ſaid goods and merchandizes, to commence from the firſt day of *February*, one thouſand ſeven hundred and four; any thing in this, or in any other act of parliament paſſed this ſeſſion, contained to the contrary thereof in any wiſe notwithſtanding.

Cargo of the Hern Frigot exempted from the new duties.

XIV. *And whereas* Raymond Roodey, *late of the city of* Cheſter, *merchant, became indebted to his late majeſty King* William, *of glorious memory, in ſeveral ſums of money, for cuſtoms, impoſitions, and other duties upon goods imported, and entred into ſeveral bonds to his ſaid Majeſty, with ſureties, for payment of the ſame: and whereas the ſaid* Raymond Roodey *is ſince dead, and his effects not viſible in* England, *and his ſureties have failed in their credit, and are not able to pay the full ſums for which they ſo ſtand reſpectively engaged, but may, by the aſſiſtance of friends, pay ſome part of the ſaid debts to her Majeſty, in caſe a compoſition be made with them for the ſame*; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord high treaſurer, or commiſſioners of her Majeſty's treaſury for the time being, or any three or more of them, at any time before the five and twentieth

Lord treaſurer to compound with the ſureties of Raymond Roodey.

tieth day of *March*, one thouſand ſeven hundred and ſix, to make ſuch compoſition or agreement, as to him or them ſhall ſeem reaſonable, with the reſpective ſureties of the ſaid *Raymond Roodey*, their heirs, executors, or adminiſtrators, for ſuch debts as aforeſaid; and, upon payment of the money ſo compounded for, to cauſe the ſaid ſureties, their heirs, executors, and adminiſtrators reſpectively, to be diſcharged of and from the ſaid bonds; but that the ſaid *Raymond Roodey*, his heirs, executors, and adminiſtrators, and every of them, ſhall ſtand charged, and be liable to the payment of the money due upon the ſaid bonds; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

and on payment, ſureties to be diſcharged.

CAP. VI.

An act for the better enabling her Majeſty to grant the honor and manor of Woodſtock, *with the hundred of* Wootton, *to the duke of* Marlborough *and his heirs, in conſideration of the eminent ſervices by him performed to her Majeſty and the publick.*

Moſt gracious Sovereign,

WHEREAS *the eminent and unparallelled ſervices performed to your Majeſty and the crown of* England, *by the moſt noble* John *duke of* Marlborough, *are well known, not only to your Majeſty, and to all your ſubjects, but to all* Europe, *who will always remember, That the alliances which your Majeſty's royal brother King* William *the Third, of glorious memory, had in a little time before his death, contracted by the miniſtry of the ſaid duke of* Marlborough, *as his Majeſty's ambaſſador extraordinary and plenipotentiary to the* States General *of the united provinces, for preſerving the liberties of* Europe, *againſt the ambition of* France, *were immediately after your Majeſty's happy acceſſion to the throne, by the ſaid duke, then employed by your Majeſty in the ſame character, confirmed and improved, and others were contracted, whereby the confederacy, which had been diſſolved at the end of the laſt war, was re-united in a ſtricter and firmer league: and that in the firſt year of your Majeſty's reign, the ſaid duke of* Marlborough *did ſo well execute the commiſſion and orders which he received from your Majeſty, as captain general and commander in chief of your Majeſty's forces, that he not only ſecured and extended the frontier of* Holland, *by taking the towns and fortreſſes of* Venlo, Ruremond, Stevenſwaert, *and* Liege, *but ſoon obliged the enemy (who had been at the gates of* Nimeghen) *to ſeek ſhelter behind their lines; and the next campaign, by taking* Bon, Huy, *and* Limbourg, *added all the country between the* Rhine *and the* Maes *to the conqueſt of the preceding year: and that in the memorable year, one thouſand ſeven hundred and four, when your Majeſty was generouſly pleaſed to take the reſolution of reſcuing the empire from that immediate ruin, to which, by the defection of the elector of* Bavaria, *it was expoſed, the meaſures, which by your Majeſty's wiſdom and goodneſs had been deviſed and concerted, were purſued by the ſaid duke with the utmoſt diligence, ſecrecy, and good conduct,*

duct, in leading the forces of your Majeſty, and your allies, by a long and difficult march, to the banks of the Danube, *where the ſaid duke did immediately upon his arrival, attack and force the* Bavarians *(aſſiſted by the* French) *in their ſtrong intrenchments at* Schellenberg, *paſſed the* Danube, *diſtreſſed the country of* Bavaria, *and a ſecond time fought the enemies, who had been reinforced by a royal army of the* French *King's beſt troops, commanded by a marſhal of* France; *and on the ſecond day of* Auguſt, *one thouſand ſeven hundred and four, after a bloody battle, at or near* Blenheim *(although the enemies had the advantages of number and ſituation) did gain as abſolute and glorious a victory, as is recorded in the hiſtory of any age; by which* Bavaria *being entirely reduced,* Ratiſbon, Auſbourg, Ulm, Memminghen, *and other imperial towns recovered, the liberty of the diet and the peace of the empire was reſtored, and* Landau, Treves, *and* Traerbach, *being taken, the war is carried into the dominions of* France: *and foraſmuch as the happy atchievements of the ſaid duke, having apparently tended not only to the honour and ſafety of your Majeſty, and your ſubjects, and of their poſterity, but alſo towards the future tranquility of* Europe; *your Majeſty's moſt dutiful and loyal ſubjects, the commons of* England *in parliament aſſembled, thought themſelves obliged, in an humble addreſs to your Majeſty, not only to expreſs their great ſenſe of the ſaid glorious victories, but alſo humbly to deſire your Majeſty, that you would be graciouſly pleaſed to conſider of ſome proper means to perpetuate the memory of ſuch ſignal ſervices: and your Majeſty having been thereupon pleaſed to ſignify your intention to grant the intereſt of the crown in the honor and manor of* Woodſtock *and the hundred of* Wootton, *to the ſaid duke and his heirs*; your Majeſty's ſaid dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, duly conſidering the good and prudent proviſion made by your Majeſty, by an act of parliament in the firſt year of your reign, for preſerving the inheritance of ſeveral revenues of the crown, and believing that the ſettlement of the ſaid honor, manor, and hundred, on the ſaid duke and his heirs, can make no precedent for caſes where there is or ſhall be leſs merit, do moſt humbly, cheerfully, and unanimouſly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame,

1 Annæ, ſtat. 1. c. 7.

II. That it ſhall and may be lawful to and for the Queen's moſt excellent majeſty, by any letters patents under the great ſeal of *England*, hereafter to be made, to give and grant unto the ſaid *John* duke of *Marlborough*, and his heirs and aſſigns for ever, or to any other perſon or perſons to the uſe of or in truſt for the ſaid duke, his heirs and aſſigns for ever, all that the honor and manor of *Woodſtock*, with the rights, members, and appurtenances thereof, ſituate, lying, and being in the county of *Oxon*, and all that the hundred of *Wootton*, with the rights, members, and appurtenances thereof, in the ſaid county of *Oxon*, and all thoſe the manors, or reputed manors of *Hardley*, *Wootton*,

Grant of the manor of Woodſtock and hundred of Wootton, to the duke of Marlborough and his heirs.

Wootton, *Old Woodſtock*, *Hanborough*, *Stonesfield*, *Combe*, and *Bladon*, with the advowſons of the rectories, vicarages, or churches of *Bladon* or *Stonesfield*, and all the rights, members, and appurtenances, to them or any of them belonging, in the county of *Oxon* aforeſaid; and all quit rents, rents of aſſize, chief rents, old rents, free rents, copyhold and cuſtomary rents, rent works, and all other rents, and yearly ſum and ſums of money whatſoever, to the ſaid honor, hundred, and manors, or reputed manors, every or any of them, belonging, or in any wiſe appertaining; and alſo all that demoliſhed meſſuage, court houſe, or toft, with the appurtenances, together with the ſite thereof, now or formerly called *Woodſtock manor houſe*, ſituate, lying, and being in the ſaid county of *Oxon*, within the park herein aftermentioned; and all houſes, dove houſes, edifices, ſtructures, buildings, barns, ſtables, out houſes, orchards, gardens, yards, backſides, court yards, and curtilages to the ſame belonging or appertaining, containing by eſtimation three acres, one rood, and fifteen perches, more or leſs; and alſo all that piece or parcel of ground, with the appurtenances, commonly called or known by the name of *Woodſtock Park*, lying and being in the ſaid county of *Oxon*, abutting upon *Woodſtock* town on the eaſt, upon *Bladon* pariſh towards the ſouth, *Combe* pariſh on the weſt, and upon *Wootton* pariſh towards the north, containing in the whole by eſtimation one thouſand ſeven hundred ninety three acres, and two roods, more or leſs; and all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Podghill*, containing by eſtimation three acres, and one rood, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Little Mill Mead*, containing by eſtimation two acres and one rood, more or leſs; and all that piece or parcel of meadow ground, now or lately called or known by the name of the *Great Mill Mead*, containing by eſtimation four acres, two roods, and thirty ſeven perches, more or leſs; and alſo all that other piece or parcel of meadow ground, now or lately called or known by the name of the *Middle Mead*, containing by eſtimation three acres and two roods, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Little Park Mead*, containing by eſtimation nine acres and thirty three perches, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances now or lately called or known by the name of *Tennis Court Mead*, containing by eſtimation three acres, three roods, and nine perches, be the ſame more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Hopyard*, containing by eſtimation, one acre, two roods, and three perches, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Flaggmore Mead*, containing

Woodſtock manor houſe.

Woodſtock park.

Podghill.

Little Mill Mead.

Great Mill Mead.

Middle Mead.

Little Park Mead.

Tennis court Mead.

Hopyard.

Flaggmore Mead.

taining by eſtimation ſix acres, three roods, and twenty four perches, more or leſs; and alſo all that parcel of meadow ground, with the appurtenances, now or lately called *Mare Moor Mead*, containing by eſtimation nine acres, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Staunton Cuſtom*, containing by eſtimation ten acres and one rood, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Southley Cuſtom*, containing by eſtimation five acres and two roods, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, to the laſt-mentioned meadow adjoining, and now or lately called or known by the name of the *Hill Ground*, containing by eſtimation one rood, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Combe Cuſtom*, containing by eſtimation four acres more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Bladon Cuſtom*, containing by eſtimation one acre and three roods, more or leſs; and all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Eight Acres*, containing by eſtimation eleven acres, two roods, and twenty four perches, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Hanborough Cuſtom*, containing by eſtimation four acres and two roods, more or leſs; and all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Pit Mead*, containing by eſtimation four acres and five perches, be the ſame more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Borrow Mead*, containing by eſtimation eleven acres, one rood, and thirty perches, more or leſs; and alſo all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Thiſtlehaim*, containing by eſtimation four acres, three roods, and four perches, more or leſs; and alſo all that piece and parcel of paſture ground, with the appurtenances, to the laſt mentioned meadow adjoining, now or lately called or known by the name of *Bailiff's Turret*, containing by eſtimation two roods and ſixteen perches, more or leſs; and all that other piece or parcel of paſture ground, with the appurtenances, adjoining to the eaſt ſide of the laſt-mentioned piece of paſture ground, now or lately called or known by the name of *Bailiff's Hook*, containing by eſtimation one rood and ten perches, more or leſs; and alſo all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Ruſh Mead*, containing by eſtimation ſeventeen acres, one rood, and eight perches,

Mare Moore Mead.
Staunton Cuſtom.
Southley Cuſtom.
Hill Ground.
Combe Cuſtom.
Bladon Cuſtom.
Eight Acres.
Hanborough Cuſtom.
Pit Mead.
Borrow Mead.
Thiſtlehaim.
Bailiff's Turrett.
Bailiff's Hook.
Ruſh Mead.

ches, more or leſs; and alſo all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known
Palace Mead. by the name of the *Palace Mead*, containing by eſtimation two acres, three roods, and nine perches, more or leſs: all which ſeveral pieces and parcels of meadow and paſture ground, before-mentioned, are ſituate, lying, and being within the walls of the ſaid park, in the ſaid county of *Oxon*: and alſo all that other piece or parcel of meadow ground, with the appurtenan-
Long Acre. ces, now or lately called or known by the name of the *Long Acre*, lying and being without the ſaid park, within the pariſh of *Bladon* aforeſaid, containing by eſtimation twenty four acres, one rood and thirty perches, more or leſs; and all that parcel of land lying in the pariſh of *Combe*, in the ſaid county of *Oxon*,
Combe Rayes. called by the name of *Combe Rayes*, which were purchaſed by his late majeſty King *Charles* the Second from ſeveral perſons, and do contain in the whole, by eſtimation, threeſcore acres, be the ſame more or leſs; and alſo all that meſſuage, tenement, or lodge, with the appurtenances, now or lately called *Henſ-*
Henſgrove Lodge. *grove Lodge*, ſituate and being in the ſouth eaſt part of the ſaid park; and alſo all that other meſſuage, tenement, or lodge,
Streights Lodge. with the appurtenances, now or lately called *Streights Lodge*, ſituate and being in the ſouth weſt part of the ſaid park; and alſo all that other meſſuage, tenement, or lodge, with the ap-
New Lodge. purtenances, now or lately called *New Lodge*, ſituate and being on the weſt part of the ſaid park; and alſo all that other meſſuage, tenement, or lodge, with the appurtenances, now or lately
Gorrell Lodge. called *Gorrell Lodge*, ſituate and being on the north ſide of the ſaid park; and all thoſe ſeveral woods and coppices, and the
Kings Woods. ſoil and ground of the ſame, commonly called the *Kings Woods*, within the ſaid honour and manor of *Woodſtock*, herein aftermentioned (that is to ſay) all that wood and coppice, common-
Mill Wood. ly called or known by the name of *Mill Wood*, lying and being in the pariſh of *Hanborough*, in the ſaid county of *Oxon*, containing by eſtimation ſeventeen acres and two roods, more or leſs; and all that wood and coppice commonly called or known
Pinſly Wood. by the name of *Pinſly Wood*, alſo lying and being in the pariſh of *Hanborough* aforeſaid, containing by eſtimation fourſcore and one acres, and two roods, more or leſs; and all that wood and
Wooll Coppice. coppice commonly called or known by the name of *Wooll Coppice*, lying and being in the ſaid pariſh of *Hanborough*, containing by eſtimation ſixteen acres, more or leſs; and all that wood and
Wootton Wood. coppice, commonly called or known by the name of *Wootton Wood*, lying and being in the pariſh of *Wootton*, in the ſaid county of *Oxon*, containing by eſtimation fifty four acres and twenty perches, more or leſs; and all that wood and coppice
Fendon Wood. called or known by the name of *Fendon Wood*, lying and being within the ſaid pariſh of *Wootton*, containing by eſtimation ſeventeen acres and two roods, more or leſs; and all that
Ambroſe Coppice. wood and coppice called and known by the name of *Ambroſe Coppice*, lying and being in the pariſh of *Stonesfield*, in the ſaid county of *Oxon*, containing by eſtimation one hundred thirty

thirty nine acres, more or leſs; and all her Majeſty's timber and trees, wood, and underwood whatſoever, now ſtanding, growing, or being, or hereafter to ſtand or grow, as well within or upon the ſeveral woods, coppices, and wood grounds before-mentioned, and every or any of them, as within or upon the ſaid park, called *Woodſtock Park*, and within or upon any of the waſte grounds belonging to the ſaid honor and manors, or within or upon any other of the premiſſes ſo to be granted, and every or any of them reſpectively; and all and ſingular her Majeſty's meſſuages, tenements, lands, woods, rents, mills, tolls, and hereditaments whatſoever, ſituate, lying, being, or renewing within the ſaid park, called *Woodſtock Park*, and in the towns, villages, hamlets, pariſhes, precincts, or territories of *Old Woodſtock*, *Hardley*, *Wootton*, *Bladon*, *Hanborough*, *Combe*, and *Stonefield*, and every or any of them, or within the ſaid hundred of *Wootton* in the ſaid county of *Oxon*; and alſo all and ſingular houſes, edifices, buildings, barns, ſtables, orchards, gardens, yards, backſides, curtilages; and alſo all courts leet, courts baron, hundred courts, and other courts whatſoever, ſervices, franchiſes, cuſtoms, cuſtom works, forfeitures, eſcheats, reliefs, herriots, fines, iſſues, amerciaments, perquiſites and profits of the ſaid courts and leets, and every of them, goods and chattles of felons and fugitives, felons of themſelves, outlawed perſons, and of perſons put in exigent, waifs, eſtrays, deodands, heaths, moors, mariſhes, ways, paſſages, lights, eaſements, commons, ground uſed for common, waſtes, waſte grounds, rivers, ſtreams, waters, watercourſes, wears, dams, ſtanks, mill pools, hawking, hunting, fiſhing, fowling, right, royalties, juriſdictions, liberties, privileges, immunities, profits, commodities, advantages, emoluments, poſſeſſions and hereditaments whatſoever, with their and every of their appurtenances, of what nature or quality ſoever, to the ſaid honor, manors, park, woods, or other the premiſſes belonging or appertaining, or accepted, reputed, or taken, as part, parcel, or member thereof, or which have been uſually held, exerciſed, or enjoyed therewith; or within the ſame, or any part thereof, and ſuch other franchiſes as her Majeſty ſhall think fit to grant by ſuch letters patents, as aforeſaid, and the reverſion and reverſions, remainder and remainders of all and ſingular the premiſſes, and of every or any part or parcel thereof, dependant or expectant upon any former grant, demiſe, or leaſe, grants, demiſes, or leaſes, made of the premiſſes, or of any of them; and all the rents, iſſues, and profits of the ſaid honor, manors, park, and other the premiſſes, and of every part and parcel thereof; and all the eſtate, right, title, intereſt, property, claim, and demand whatſoever of her Majeſty, of, into, or out of the ſame: to have and to hold the ſaid honor, hundred, manors, park, woods, and other the premiſſes ſo to be granted, with their and every of their appurtenances, to the ſaid *John* duke of *Marlborough*, or ſuch perſon or perſons as he ſhall nominate, as aforeſaid, his and their heirs and aſſigns for ever, to the only Woodſtock Park.

uſe and behoof of, or in truſt for, the ſaid *John* duke of *Marlborough*, his heirs and aſſigns for ever, and to no other uſe, intent, or purpoſe whatſoever, to be holden of her Majeſty, her heirs and ſucceſſors, as of her caſtle of *Windſor*, in free and common ſockage by fealty, and rendring to her Majeſty, her heirs and ſucceſſors, on the ſecond day of *Auguſt* in every year for ever, at the caſtle of *Windſor*, one ſtandard or colours with three *Flower de Luces* painted thereupon, for all manner of rents, ſervices, exactions and demands whatſoever.

To be holden of the Queen as of her Manor of Windſor in fee.

Grant confirmed.

III. And be it further enacted by the authority aforeſaid, That all and every the grants and clauſes to be contained in ſuch letters patents, as aforeſaid, for the better conveying and aſſuring of the ſaid honor, hundred, manors, park, woods, and other the premiſſes, to or for the uſe or benefit of the ſaid duke, his heirs, or aſſigns, as aforeſaid, ſhall be, and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof, in the ſaid letters patents to be expreſſed, notwithſtanding any reſtriction, or other matter or thing contained in the act of parliament made in the firſt year of her Majeſty's reign, intituled, *An act for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the crown*, and any other law or ſtatute, or any miſ-recital, non-recital, omiſſion, or other defect in the ſaid letters patents hereafter to be made, in any wiſe notwithſtanding.

1 *Annæ, ſtat.* 1. *c.* 7.

Salvo of right.

IV. Saving to all and every perſon and perſons, their heirs, executors, and adminiſtrators, and to all bodies politick and corporate, and their ſucceſſors (other than to the Queen's majeſty, her heirs and ſucceſſors,) all ſuch right, title, intereſt, right of common, offices, fees, privileges, properties, profits, and demands whatſoever, which they, or any of them have, or are intitled to have, of, into, within, or out of the ſaid honor, hundred, manors, park, woods, and other the premiſſes, or any of them, or any part thereof, before the making of this act, as fully and effectually, to all intents and purpoſes, as if this act had not been made; this act, or any thing therein contained to the contrary notwithſtanding.

CAP. VII.

An act for the effectual ſecuring the kingdom of England *from the apparent dangers that may ariſe from ſeveral acts lately paſſed in the parliament of* Scotland.

FOR preventing the many inconveniencies which may ſpeedily happen to the two kingdoms of *England* and *Scotland*, if a nearer and more compleat union be not made between the ſaid kingdoms; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That ſuch perſons as ſhall be nominated by her Majeſty, under her great ſeal of *England*, or ſuch and ſo many of them as ſhall in that behalf

Queen may appoint commiſſioners under her great ſeal of England, to treat with commiſſioners autho-

half be appointed by her Majesty to be of the *quorum*, shall, by force of this act, have full power, commission and authority, at such time and times, and in such place or places, as her Majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according to the tenor or purport of their authority or commission in that behalf, with certain commissioners as shall be authorized by authority of the parliament of *Scotland*, of and concerning such an union of the said kingdoms of *England* and *Scotland*, and of and concerning such other matters, clauses and things, as upon mature deliberation of the greatest part of the said commissioners, assembled as aforesaid, and the commissioners to be authorized by the parliament of *Scotland*, according to the tenor or purport of their commissions in that behalf, shall in their wisdoms think convenient and necessary for the honour of her Majesty, and the common good of both the said kingdoms for ever: which commissioners of both the said kingdoms, shall, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein into writings or instruments quadrupartite, every part to be subscribed and sealed by them, to the end that one part thereof may in all humbleness be presented to the Queen's most excellent majesty, two other parts thereof to be offered to the consideration of the parliament for the realm of *England*, and another part to be offered to the consideration of the parliament for the realm of *Scotland*, at their next sessions, which shall be held in each kingdom respectively, after such writings or instruments shall be subscribed and sealed by the said commissioners, that thereupon such further proceedings may be had, as to her Majesty, and both the said parliaments, shall be thought fit and necessary for the weal and common good of both the said kingdoms, to whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved.

rized by the parliament of Scotland, for treating of a union between both kingdoms.

Commissioners to reduce their proceedings into writings quadrupartite.

II. Provided always, and be it enacted and declared, That no such commission or authority, as aforesaid, shall be granted, until an act of parliament shall be made in the kingdom of *Scotland*, impowering her Majesty to grant a commission under the great seal of that kingdom, nominating commissioners to treat concerning the union of the two kingdoms.

When such commission shall commence.

III. Provided also, and be it further enacted and declared, That no matter or thing to be treated of, agreed or proposed by the said commissioners by virtue of this act, shall have any force or effect to be put in execution, until it be confirmed and established by act of parliament of *England*.

Nothing agreed on to have any force till confirmed by act of parliament of England.

IV. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *December*, one thousand seven hundred and five, no person or persons, being a native or natives of the kingdom of *Scotland*, (except such as are now settled inhabitants within the kingdom of *England*, or the dominions thereunto belonging, or shall continue

After 25 December, 1705. no native of Scotland, except settled inhabitants, to inherit any

 lands in

England, &c. but be taken as aliens until the crown of Scotland be ſettled by parliament in the ſame manner as the ſucceſſion to the crown of England.

inhabitants thereof, and ſuch as are now in ſervice in her Majeſty's fleet or army) ſhall be capable to inherit any lands, tenements or hereditaments, within this kingdom of *England*, or the dominions thereunto belonging, or to enjoy any benefit or advantage of a natural-born ſubject of *England*; but every ſuch perſon ſhall be from thenceforth adjudged and taken as an alien, born out of the allegiance of the Queen of *England*, until ſuch time as the ſucceſſion to the crown of *Scotland* be declared and ſettled by an act of parliament in *Scotland*, in the ſame manner the ſucceſſion to the crown of *England* is now ſettled by act of parliament in *England*, in caſe of her Majeſty's demiſe without iſſue of her body.

Nor be ſupplied with horſes, arms or ammunition from England.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, ſhall at any time from and after the twentieth day of *February*, one thouſand ſeven hundred and four, until ſuch time as the ſucceſſion to the crown of *Scotland* be declared and ſettled by an act of parliament in *Scotland*, in like manner as aforeſaid, convey or ſend, or cauſe to be conveyed or ſent from any parts or place in *England* or *Ireland*, any horſes, arms or ammunition into the kingdom of *Scotland*, every ſuch perſon or perſons ſhall forfeit the ſum of one hundred pounds, and treble the value of ſuch horſes, arms or ammunition, one third part thereof to the Queen's moſt excellent majeſty, her heirs and ſucceſſors, and the other third part thereof to him or them who will ſue for the ſame in any of her Majeſty's courts at *Weſtminſter*, by action of debt, ſuit, bill, plaint or information, wherein no eſſoin, protection or wager of law ſhall lie.

Penalty.

Scotch cattle prohibited to be brought into England or Ireland.

VI. And be it further enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, until ſuch time as the ſucceſſion to the crown of *Scotland* be declared and ſettled by an act of parliament in *Scotland*, in like manner as aforeſaid, no great-cattle or ſheep ſhall be brought out of, or from the kingdom of *Scotland*, into the kingdom of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, under the penalty of forfeiting all ſuch great-cattle or ſheep, to him or them who will ſeize or ſue for the ſame, and alſo the full value of ſuch great cattle or ſheep, one third part to the Queen's moſt excellent majeſty, her heirs and ſucceſſors, and the other two third parts thereof to him or them who will ſue for the ſame, to be recovered as aforeſaid.

Penalty.

Lawful to ſeize and detain cattle ſo brought in.

VII. And be it further enacted, That it ſhall and may be lawful to and for any perſon and perſons whatſoever, to take and ſeize in any place or places whatſoever, the great-cattle or ſheep brought, contrary to this act, into this kingdom of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and detain the ſame, during the ſpace of four days, in ſome publick or convenient place where ſuch ſeizure ſhall be made; within which time, if the owner or owners, or any on his or their behalf, ſhall make it appear unto ſome juſtice of

of the peace of the ſame county where the ſame ſhall be ſo ſeized, by the oath of two credible witneſſes, (which oath the ſaid juſtice of the peace is hereby required and impowered to adminiſter) that the ſame were not brought from *Scotland* after the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and five, Then the ſame, upon the warrant of ſuch juſtice ſhall be forthwith re-delivered.

Engliſh-cattle intermixt with Scotch-cattle and ſeized, ſubject to the like forfeiture.

VIII. And be it further enacted, That if any *Engliſh* or other cattle or ſheep, ſhall be with the privity or knowledge of the owner, or any perſon imployed by him, driven or intermixed, or cauſe to be driven or intermixed with great-cattle or ſheep brought out of or from *Scotland*, and ſhall be ſeized with them, ſuch cattle and ſheep ſo intermixed and ſeized, ſhall be deemed *Scotch*-cattle, and ſhall be ſubject to the like forfeiture, and ordered and diſpoſed of in all reſpects as if they were brought out of or from *Scotland*, contrary to this act: and if any perſon or perſons ſhall wilfully and fraudulently conſpire, confederate or agree together, to avoid or evade the ſeizures or forfeitures upon the bringing in of cattle in this act particularly ſpecified, and the ſame ſhall put in execution, then every ſuch perſon and perſons being thereof indicted or preſented within one year, next after ſuch offence by him or them committed, and being thereof lawfully convicted or attainted at any time hereafter, ſhall forfeit the ſum of one hundred pounds, to be recovered and diſtributed, as aforeſaid.

Penalty on perſons conſpiring to avoid or evade ſuch ſeizures.

Perſons ſued may plead the general-iſſue.

IX. And be it further enacted by the authority aforeſaid, That if any action, bill, plaint, ſuit or information, ſhall be commenced or proſecuted againſt any perſon or perſons, for any ſeizure or other thing done or made in purſuance or execution of this act, ſuch perſon or perſons ſhall not be obliged to give any more than a common-appearance, and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him in any ſuch action, bill, plaint, ſuit or information, as aforeſaid, the defendants ſhall have treble coſts, for which they ſhall have the like remedy as in any caſe where coſts by law are given to the defendant.

Treble coſts.

After 25 December, 1705. no Scotch-coals to be imported into England or Ireland.

X. And be it further enacted by the authority aforeſaid, That from and after the five and twentieth day of *December*, one thouſand ſeven hundred and five, until ſuch time as the ſucceſſion to the crown of *Scotland* be declared and ſettled by an act of parliament in *Scotland*, in like manner as aforeſaid, no *Scotch*-coals ſhall be imported out of the kingdom of *Scotland* into the kingdoms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, under the penalty of forfeiting the coals ſo imported; one half to the Queen's moſt excellent majeſty, the other half to ſuch perſon as ſhall ſeize or ſue for the ſame.

Nor Scotch linen.

XI. And be it further enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *December*,

The preceding ſeven clauſes are repealed by 4 An. c. 3, ſ. 10.

one thouſand ſeven hundred and five, until ſuch time as the ſucceſſion to the crown of *Scotland* be declared and ſettled by an act of parliament in *Scotland*, in like manner as aforeſaid, no *Scotch*-linen ſhall be imported or brought out of *Scotland* into the kingdom of *England*, dominion of *Wales*, town of *Berwick* upon *Tweed*, or *Ireland*, under the penalty of forfeiting the ſaid linen, and double the value thereof, to be recovered with coſts of ſuit in any of her Majeſty's courts of record; one moiety thereof to the Queen's majeſty, the other moiety to ſuch perſons as ſhall ſeize, inform or ſue for the ſame.

Commiſſioners not to treat of altering the liturgy or government of the church of England.

XII. Provided always and be it enacted and declared by the authority aforeſaid, That the commiſſioners to be named in purſuance of this act, ſhall not by virtue of ſuch commiſſion, treat of or concerning any alteration of the liturgy, rites, ceremonies, diſcipline or government of the church, as by law eſtabliſhed within this realm.

CAP. VIII.

An act to permit the exportation of Iriſh *linen cloth to the plantations, and to prohibit the importation of* Scotch *linen into* Ireland.

15 Car. 2. c. 7.

WHEREAS *in and by an act made in the fifteenth year of the reign of his late majeſty King* Charles *the Second, intituled,* An act for the encouragement of trade, *it is amongſt other things enacted, That no commodity of the growth, production or manufacture of* Europe, *ſhall be imported into any land, iſland, plantation, colony, territory, or place, to his Majeſty belonging, or which ſhall hereafter belong unto, or be in the poſſeſſion of his Majeſty, his heirs and ſucceſſors, in* Aſia, Africa, *or* America, *(except as is therein excepted) but what ſhall be* bona fide, *and without fraud, laden and ſhipped in* England, Wales, *or the town of* Berwick *upon* Tweed, *under the penalties in the ſaid act contained: yet foraſmuch as the proteſtant intereſt in her Majeſty's kingdom of* Ireland *ought to be ſupported, by giving the utmoſt encouragement to the linen manufactures of that kingdom*; her Majeſty is graciouſly pleaſed, in tender regard to her good proteſtant ſubjects of her ſaid kingdom, and for the further encouragement of the linen manufactures thereof, that it may enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from and after the four and twentieth day of *June*, one thouſand ſeven hundred and five, it ſhall and may be lawful to and for any native or natives of *England*, or *Ireland*, to lade and ſhip in any port of the ſaid kingdom of *Ireland* in *Engliſh* built ſhipping, whereof the maſter and one moiety of the mariners, during the preſent war, and afterwards the maſter and three fourths of the mariners at leaſt to be *Engliſh* or *Iriſh*, any white or brown linen cloth, which ſhall be of the manufacture of the ſaid kingdom of *Ireland*, and no other, and the ſame to tranſport in ſuch ſhips, and ſo navigated, into any of the

After 24 June, 1705. Iriſh linen may be tranſported, and ſent to the Engliſh plantations.

This part of the act continued by 3 Geo. 1. c. 21. ſ. 1. *under the ti-*

the ſaid lands, iſlands, plantations, colonies, territories, or places, and there freely to traffick with, and vend the ſame; any thing in the ſaid act, or in any other act, to the contrary thereof in any wiſe notwithſtanding. *limitation there in mentioned.*

II. Provided nevertheleſs, That no ſhip or veſſel coming to any of the ſaid lands, iſlands, plantations, colonies, territories, or places, from the ſaid kingdom of *Ireland*, ſhall unlade, or break bulk, until the maſter or commander of ſuch ſhip or veſſel ſhall firſt have made known to the governor of ſuch land, iſland, plantation, colony, territory, or place, or to ſuch perſon or officer as ſhall be by him thereunto authorized and appointed, the arrival of the ſaid ſhip or veſſel, with her name, and the name and ſurname of the maſter or commander, and ſhall have delivered to ſuch governor or officer, a true and perfect inventory or invoice of the lading of ſuch ſhip or veſſel, together with a certificate from the chief officer of the port in *Ireland*, where ſuch ſhip or veſſel ſhall be laden, expreſſing the particulars of ſuch lading, with the names and abodes of the exporters, and of two perſons at the leaſt, who ſhall have made oath before ſuch chief officer, that the ſaid goods and linen are *bona fide* of the manufacture of the ſaid kingdom of *Ireland*, and until the maſter or commander of ſuch ſhip or veſſel ſhall have made oath before ſuch governor or officer, that the ſaid goods, and every parcel thereof, are the ſame goods that he, the ſaid maſter or commander, took on board by virtue of ſuch certificate, as is aforeſaid, nor until ſuch ſhip or veſſel ſhall have been viſited and ſearched by an officer or officers; and in caſe the commander of any ſuch ſhip or veſſel ſhall unlade, or break bulk, before ſuch notice given, and ſuch certificate produced, and ſuch oath made by ſuch commander, or before ſuch ſearch made, as aforeſaid, or if upon ſuch ſearch any goods whatſoever of woollen manufacture, not laden in *England* (neceſſary apparel of the commander and mariners only excepted) or any linen goods not laden in *England*, nor of the manufacture of *Ireland*, ſhall be found in ſuch ſhip or veſſel; in all or any of the ſaid caſes, ſuch ſhip or veſſel ſhall be, and is hereby adjudged forfeited, with all her guns, tackle, ammunition and furniture, together with all ſuch goods and commodities, of what kind ſoever, as ſhall be imported or found in ſuch ſhip; one third part to her Majeſty, her heirs and ſucceſſors, one third part to the governor of ſuch land, iſland, plantation, colony, territory, or place, into which ſuch goods ſhall be imported, if the ſaid ſhip, veſſel, or goods be there ſeized, informed againſt, or ſued for (or otherwiſe that third part alſo to her Majeſty, her heirs and ſucceſſors) and the other third part to him or them who ſhall ſue for the ſame in her Majeſty's court, in ſuch of the ſaid lands, iſlands, colonies, plantations, territories, or places, where the offence ſhall be committed, or in any of her Majeſty's courts at *Weſtminſter*, by bill, plaint, information, or other action, wherein no eſſoin, protection, or wager of law ſhall be allowed. *No ſhip to break bulk until notice of arrival be firſt given to the governor,* *and an invoyce of the lading, &c. delivered.* *Penalty on commander offending.*

Ships coming from Ireland, liable to be visited in like manner as ships from England.

III. And be it further enacted, That all ships coming from *Ireland*, to any such land, island, colony, plantation, territory, or place, shall be subject to the same rules, visitations, searches, penalties, and forfeitures, to which ships coming from *England* to any of the said colonies, plantations, or places, are subject or liable to by any law now in force.

Penalty on importing Scotch linen into Ireland after 25 March, 1705.

IV. And for the preventing of frauds that may be committed, by exporting from *Ireland* linen of the manufacture of the kingdom of *Scotland*, and for the effectual restraining the importation of all such linen into *Ireland*: be it enacted by the authority aforesaid, That all and every person and persons, who shall from and after the five and twentieth day of *March*, one thousand seven hundred and five, import or cause to be imported into the kingdom of *Ireland*, any linen whatsoever of the manufacture of *Scotland*, shall forfeit the sum of twenty shillings for every yard of *Scotch* linen so imported, together with the said linen.

Linen so prohibited to be seized, and importers prosecuted.

V. And be it further enacted, That in case any such linen so prohibited to be imported into *Ireland*, shall after the said five and twentieth day of *March*, be found any where within the said kingdom, the same, or any part thereof, shall and may be seized, and the importers thereof prosecuted by any person whatsoever; and that all linen of the manufacture of *Scotland*, which shall be seized by virtue of this act, shall be carried to the next custom-house in the kingdom of *Ireland*, and shall not thence be delivered, unless in order to be produced at a trial, or unless the same be otherwise discharged by due course of law: and in case the goods so seized, or any part thereof, shall be condemned, the same shall be sold publickly by inch of candle, whereof notice in writing by a paper affixed at the door of such custom-house, shall be given at least twenty days before the said sale; and the goods so sold shall not be delivered to the buyer or buyers thereof, until he, she or they have entred into bonds, with two sufficient sureties to the Queen's majesty, her heirs and successors, in double the value of the said goods, with condition to export the same, and every part thereof, within three months after the date of the said obligation, out of the kingdom of *Ireland*, and not to import the same, or any part thereof, into any of her Majesty's colonies, plantations or dominions in *Asia*, *Africa*, or *America*: which said obligation shall be vacated upon certificate of the chief officer of the port, from whence the said goods shall be exported, of the exportation thereof, and upon oath made by the exporter, that all and every part of the said goods were exported, pursuant to this act, and that no part thereof hath been landed in any of her Majesty's colonies, plantations or dominions in *Asia*, *Africa* or *America*; and in case the said goods shall not be exported accordingly, the person or persons in whose custody the said goods, or any part thereof, shall be found, shall be again liable to all the penalties and forfeitures by this act imposed, as if the same had never been seized.

After condemnation to be sold by inch of candle.

But not delivered until bond given for exporting such goods for three months out of Ireland, &c.

How bond shall be vacated.

Penalty on not exporting such goods.

VI. And

VI. And be it further enacted, That all officers belonging to the customs in the said kingdom of *Ireland*, shall be aiding and assisting in the effectual execution of this act; and that if any such officer shall knowingly connive at the importation of any *Scotch*-linen, contrary to the true meaning of this act, such officer shall forfeit and lose the sum of one hundred pounds, and be for ever incapable of serving her Majesty, her heirs and successors, in any office whatsoever. Penalty on officer conniving at the importation of Scotch-linen.

VII. And be it enacted, That all and every the penalties and forfeitures imposed by this act, for importing *Scotch*-linen into the kingdom of *Ireland*, shall and may be sued for, and recovered in any of her Majesty's courts of record at *Westminster* or *Dublin*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law, shall be allowed, nor any more than one imparlance; one moiety of the said penalties and forfeitures to be to her Majesty, her heirs and successors, and the other moiety to him, her or them that will sue for the same. Where penalties and forfeitures imposed by this act, are recoverable. One moiety to the Queen. *The four preceding sections are repealed by* 5 Ann. c. 8.

VIII. And it is hereby further enacted, That if any person or persons be sued, molested or prosecuted, for or by reason of any seizure made in pursuance of this act, such person and persons may plead the general issue, and give this act and the special matter in evidence; and if afterwards a verdict shall pass for the defendant or defendants, or if the plaintiff shall discontinue his action, or be nonsuited, or if judgment be given against him, then such defendant or defendants shall have double costs. Persons sued may plead the general issue.

IX. Provided always, That all informations, actions, and suits, to be brought for any offence against this act, shall be brought and commenced within twelve months after the discovery of such offence. Suits to be commenced within 12 months after offence.

X. Provided also, and be it enacted, That if any ship or vessel, being laden with goods in *England*, *Wales*, or *Berwick* upon *Tweed*, for any of the plantations aforesaid, shall put into any port or place in *Ireland*, and shall there take in any white or brown *Irish* linen cloth; in that case, the like certificate and oaths shall be made, that the said linen cloth is of the manufacture of *Ireland*, as is before directed by this act: and if, upon the arrival of such ship or vessel in any of the said plantations, such certificate be produced, and oaths made, as aforesaid, such ship or vessel, her master or commander, and lading, shall be subject and liable to such rules, visitations, searches, penalties, and forfeitures, as they respectively were subject and liable to by virtue of the laws which were in force before the passing of this act, and no other; any thing in this act to the contrary notwithstanding. Proviso concerning English ships laden for the plantations, &c.

XI. Provided, That this act shall continue only for the term of eleven years, [*Continued by* 3 Geo. 1. c. 21.] Act to continue eleven years.

CAP.

CAP. IX.

An act for giving like remedy upon promiſſory notes, as is now uſed upon bills of exchange, and for the better payment of inland bills of exchange.

WHEREAS *it hath been held, That notes in writing, ſigned by the party who makes the ſame, whereby ſuch party promiſes to pay unto any other perſon, or his order, any ſum of money therein mentioned, are not aſſignable or indorſible over, within the cuſtom of merchants, to any other perſon; and that ſuch perſon to whom the ſum of money mentioned in ſuch note is payable, cannot maintain an action, by the cuſtom of merchants, againſt the perſon who firſt made and ſigned the ſame; and that any perſon to whom ſuch note ſhall be aſſigned, indorſed, or made payable, could not, within the ſaid cuſtom of merchants, maintain any action upon ſuch note againſt the perſon who firſt drew and ſigned the ſame:* therefore to the intent to encourage trade and commerce, which will be much advanced, if ſuch notes ſhall have the ſame effect as inland bills of exchange, and ſhall be negotiated in like manner; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all notes in writing, that after the firſt day of *May*, in the year of our Lord, one thouſand ſeven hundred and five, ſhall be made and ſigned by any perſon or perſons, body politick or corporate, or by the ſervant or agent of any corporation, banker, goldſmith, merchant, or trader, who is uſually intruſted by him, her or them, to ſign ſuch promiſſory notes for him, her, or them, whereby ſuch perſon or perſons, body politick and corporate, his, her, or their ſervant or agent, as aforeſaid, doth or ſhall promiſe to pay to any other perſon or perſons, body politick and corporate, his, her, or their order, or unto bearer, any ſum of money mentioned in ſuch note, ſhall be taken and conſtrued to be, by virtue thereof, due and payable to any ſuch perſon or perſons, body politick and corporate, to whom the ſame is made payable; and alſo every ſuch note payable to any perſon or perſons, body politick and corporate, his, her, or their order, ſhall be aſſignable or indorſible over, in the ſame manner as inland bills of exchange are or may be, according to the cuſtom of merchants; and that the perſon or perſons, body politick and corporate, to whom ſuch ſum of money is or ſhall be by ſuch note made payable, ſhall and may maintain an action for the ſame, in ſuch manner as he, ſhe, or they might do, upon any inland bill of exchange, made or drawn according to the cuſtom of merchants, againſt the perſon or perſons, body politick and corporate, who, or whoſe ſervant or agent, as aforeſaid, ſigned the ſame; and that any perſon or perſons, body politick and corporate, to whom ſuch note that is payable to any perſon or perſons, body politick and corporate, his, her, or their order, is indorſed or aſſigned, or the money therein mentioned ordered to be paid by indorſement thereon, ſhall and may maintain his, her,

Promiſſory notes may be aſſigned or indorſed, and action maintained thereon, as on inland bills of exchange.

her, or their action for such sum of money, either against the person or persons, body politick and corporate, who, or whose servant or agent, as aforesaid, signed such note, or against any of the persons that indorsed the same, in like manner as in cases of inland bills of exchange: and in every such action the plaintiff or plaintiffs shall recover his, her, or their damages and costs of suit; and if such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs by *capias*, *fieri facias*, or *elegit*.

Plaintiff or defendant may recover costs.

II. And be it further enacted by the authority aforesaid, That all and every such actions shall be commenced, sued and brought within such time as is appointed for commencing or suing actions upon the case, by the statute made in the one and twentieth year of the reign of King *James* the First, intituled, *An act for limitation of actions, and for avoiding of suits in law.*

How action shall be brought.

21 Jac. 1. c. 16.

III. Provided, That no body politick or corporate shall have power, by virtue of this act, to issue or give out any notes, by themselves or their servants, other than such as they might have issued, if this act had never been made.

Proviso against giving out notes.

IV. *And whereas by an act of parliament made in the ninth year of the reign of his late majesty King* William *the Third, intituled,* An act for the better payment of inland bills of exchange, *it is, among other things, enacted, That from and after presentation and acceptance of the said bill or bills of exchange (which acceptance shall be by the underwriting the same under the party's hand so accepting) and after the expiration of three days after the said bill or bills shall become due, the party to whom the said bill or bills are made payable, his servant, agent, or assigns, may and shall cause the same bill or bills to be protested in manner as in the said act is enacted: and whereas by there being no provision made therein for protesting such bill or bills, in case the party, on whom the same are or shall be drawn, refuse to accept the same, by underwriting the same under his hand, all merchants and others do refuse to underwrite such bill or bills, or make any other than a promissory acceptance, by which means the effect and good intent of the said act in that behalf is wholly evaded, and no bill or bills can be protested before or for want of such acceptance by underwriting the same as aforesaid:* for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of *May*, which shall be in the year of our Lord one thousand seven hundred and five, in case, upon presenting of any such bill or bills of exchange, the party or parties, on whom the same shall be drawn, shall refuse to accept the same, by underwriting the same, as aforesaid, the party to whom the said bill or bills are made payable, his servant, agent, or assigns, may and shall cause the said bill or bills to be protested for non-acceptance, as in case of foreign bills of exchange; any thing

9 W. 3. c. 17.

Party refusing to underwrite bill of exchange, such bill may be protested for non-acceptance.

thing in the ſaid act, or any other law, to the contrary notwithſtanding: for which proteſt there ſhall be paid two ſhillings, and no more.

No acceptance of inland bills of exchange to be ſufficient unleſs the ſame be underwritten, nor drawer thereof liable to coſts, &c.

V. Provided always, That from and after the ſaid firſt day of *May*, no acceptance of any ſuch inland bill of exchange ſhall be ſufficient to charge any perſon whatſoever, unleſs the ſame be underwritten or indorſed in writing thereupon; and if ſuch bill be not accepted by ſuch underwriting, or indorſement in writing, no drawer of any ſuch inland bill ſhall be liable to pay any coſts, damages, or intereſt thereupon, unleſs ſuch proteſt be made for non-acceptance thereof, and within fourteen days after ſuch proteſt, the ſame be ſent, or otherwiſe notice thereof be given to the party from whom ſuch bill was received, or left in writing at the place of his or her uſual abode; and if ſuch bill be accepted, and not paid before the expiration of three days after the ſaid bill ſhall become due and payable, then no drawer of ſuch bill ſhall be compellable to pay any coſts, damages, or intereſt thereupon, unleſs a proteſt be made and ſent, or notice thereof be given, in manner and form above-mentioned: nevertheleſs, every drawer of ſuch bill ſhall be liable to make payment of coſts, damages, and intereſt upon ſuch inland bill, if any one proteſt be made of non-acceptance or non-payment thereof, and notice thereof be ſent, given or left, as aforeſaid.

No proteſt neceſſary for non-payment, unleſs the bill be drawn for 20l. or upwards.

VI. Provided, That no ſuch proteſt ſhall be neceſſary, either for non-acceptance or non-payment of any inland bill of exchange, unleſs the value be acknowledged and expreſſed in ſuch bill to be received, and unleſs ſuch bill be drawn for the payment of twenty pounds ſterling or upwards; and that the proteſt, hereby required for non-acceptance, ſhall be made by ſuch perſons as are appointed by the ſaid recited act to proteſt inland bills of exchange for non-payment thereof.

By whom proteſt ſhall be made.

Acceptance of bill eſteemed a full payment of debt.

VII. And be it further enacted, That from and after the ſaid firſt day of *May*, if any perſon doth accept any ſuch bill of exchange for and in ſatisfaction of any former debt, or ſum of money formerly due unto him, the ſame ſhall be accounted and eſteemed a full and complete payment of ſuch debt, if ſuch perſon, accepting of any ſuch bill for his debt, doth not take his due courſe to obtain payment thereof, by endeavouring to get the ſame accepted and paid, and make his proteſt, as aforeſaid, either for non-acceptance, or non-payment thereof.

Proviſo.

VIII. Provided, That nothing herein contained ſhall extend to diſcharge any remedy, that any perſon may have againſt the drawer accepter or indorſer of ſuch bill.

Act to continue 5 years.

IX. And be it further enacted by the authority aforeſaid, That this act ſhall continue and be in force for the ſpace of three years, from the ſaid firſt day of *May*, and from thence to the end of the next ſeſſion of parliament, and no longer. *Made perpetual by* 7 Annæ, c. 25. ſ. 3.

CAP.

CAP. X.

An act for encouraging the importation of naval ſtores from her Majeſty's plantations in America.

WHEREAS *the royal navy, and the navigation of* England, *wherein, under God, the wealth, ſafety and ſtrength of this kingdom is ſo much concerned, depends on the due ſupply of ſtores neceſſary for the ſame, which being now brought in moſtly from foreign parts, in foreign ſhipping, at exorbitant and arbitrary rates, to the great prejudice and diſcouragement of the trade and navigation of this kingdom, may be provided in a more certain and beneficial manner from her Majeſty's own dominions: and whereas her Majeſty's colonies and plantations in* America *were at firſt ſettled, and are ſtill maintained and protected, at a great expence of the treaſure of this kingdom, with a deſign to render them as uſeful as may be to* England, *and the labour and induſtry of the people there, profitable to themſelves: and in regard the ſaid colonies and plantations, by the vaſt tracts of land therein, lying near the ſea, and upon navigable rivers, may commodiouſly afford great quantities of all ſorts of naval ſtores, if due encouragement be given for carrying on ſo great and advantageous an undertaking, which will likewiſe tend, not only to the further imployment and increaſe of* Engliſh *ſhipping and ſeamen, but alſo to the enlarging, in a great meaſure, the trade and vent of the woollen and other manufactures and commodities of this kingdom, and of other her Majeſty's dominions, in exchange for ſuch naval ſtores, which are now purchaſed from foreign countries with money or bullion: and for enabling her Majeſty's ſubjects, in the ſaid colonies and plantations, to continue to make due and ſufficient returns in the courſe of their trade*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That every perſon or perſons that ſhall, within the time appointed by this act, import or cauſe to be imported into this kingdom, directly from any of her Majeſty's *Engliſh* colonies or plantations in *America*, in any ſhip or ſhips that may lawfully trade to her Majeſty's plantations, manned as by law is required, any of the naval ſtores, hereafter mentioned, ſhall have and enjoy, as a reward or *præmium* for ſuch importation, after and according to the ſeveral rates for ſuch naval ſtores, as follows, (*viz.*)

Encouragement to import naval ſtores, from Engliſh plantations in America.

Farther encouragement 8 Annæ, c. 13. ſ. 30. & 2 Geo. 2. c. 35. *See* 8 Geo. 1. c. 12. ſ. 4.

Rates allowed to importer;

II. For good and merchantable tar *per* tun, containing eight barrels, and each barrel to gage thirty one gallons and an half, four pounds.

For tar 4l. per tun.

For good and merchantable pitch *per* tun, each tun containing twenty groſs hundreds (net pitch) to be brought in eight barrels, four pounds.

Pitch 4l. per tun.

For good and merchantable rozin or turpentine *per* tun, each tun containing twenty groſs hundreds (net rozin or turpentine) to be brought in eight barrels, three pounds.

Rozin or turpentine, 3l. per tun.

For

Hemp 61. per tun. *Continued, as to hemp by* 12 Ann. ſt. 1. c. 9. 8 Geo. 1. c. 12. 16 Geo. 2. c 26.

For hemp, water rotted, bright and clean, *per* tun, each tun containing twenty groſs hundreds, ſix pounds.

Maſts, &c. 20s. per tun.

For all maſts, yards, and bowſprights, *per* tun, allowing forty foot to each tun, girt meaſure, according to the cuſtomary way of meaſuring round bodies, one pound.

Præmiums to be paid by commiſſioners of the navy.

III. Which ſeveral rewards or *præmiums*, for each ſpecies afore-mentioned, ſhall be paid and anſwered by the commiſſioners or principal officers of her Majeſty's navy, who are hereby impowered and required to make out bill or bills, to be paid in courſe for the ſame, upon certificate of the reſpective chief officer or officers of the cuſtoms, in any port of this kingdom, where ſuch naval ſtores ſhall be imported, as aforeſaid; ſuch bill or bills to be made out and given to the perſon or perſons importing the ſame, as aforeſaid, within twenty days after the diſcharge or unlading of the ſhip or veſſel, ſhips or veſſels, in which ſuch ſtores ſhall be imported, upon a certificate or certificates, to be produced to the chief officer or officers of the cuſtoms (which certificate or certificates ſhall be under the hand and ſeal of the governor, lieutenant governor, collector of her Majeſty's cuſtoms, and naval officer, or any two of them, reſiding and being within any of her Majeſty's ſaid colonies or plantations) That before the departure of ſuch ſhip or veſſel, ſhips or veſſels, the perſon or perſons, merchant, trader or factor, loading the ſame, had made oath before them, That the ſaid naval ſtores, ſo ſhipt on board, were truly and *bona fide* of the growth and produce of her Majeſty's ſaid colonies and plantations (which oath the ſaid governor, lieutenant governor, collector of her Majeſty's cuſtoms, and naval officer, or any two of them, are hereby authorized to adminiſter) as likewiſe, upon oath to be made within any port in *England*, by the maſter or maſters of ſuch ſhip or veſſel, ſhips or veſſels, importing ſuch naval ſtores, that the ſame were truly laden on board ſuch ſhip or veſſel, ſhips or veſſels, within ſome of her Majeſty's colonies and plantations in *America*, and that he or they know or believe that the ſaid naval ſtores were the produce of the ſaid colonies and plantations.

Reſtrictions of ſuch certificates as to pitch and tar, 5 Geo. 1. c. 11. ſ. 16, 17. 8 Geo. 1. c. 12. ſ. 4.

Oath to be made, That the naval ſtores were of the growth of the plantations.

Proviſo.

IV. Provided always, That the reward or *præmium*, hereby granted, ſhall not be allowed or paid for the importation of ſuch maſts, yards, bowſprights, or other naval ſtores, as are already contracted for by the commiſſioners of her Majeſty's navy.

Commiſſioners of the navy to have the pre-emption of naval ſtores ſo imported,

V. And to the end a particular benefit may accrue hereby to her Majeſty's royal navy, and for the better ſupply of the ſame with naval ſtores; be it further enacted, That upon the importing of any naval ſtores from her Majeſty's ſaid colonies and plantations, for which a reward or *præmium* is hereby granted, the pre-emption, or refuſal of ſuch naval ſtores, ſhall be offered and tendred to the commiſſioners of her Majeſty's navy upon landing the ſame; and if, within the term of twenty days after ſuch tender, the ſaid commiſſioners ſhall not contract or bargain for the ſame, it ſhall and may be lawful for the importer or importers,

If contracted for within 20 days after tender.

porters, owner or owners, of the ſaid naval ſtores, otherwiſe to diſpoſe of the ſame for his or their beſt profit and advantage.

VI. And for the better preſervation of all timber fit for the uſes aforeſaid; be it further enacted and ordained by the authority aforeſaid, That no perſon or perſons within her Majeſty's colonies of *New Hampſhire*, the *Maſſachuſets Bay*, *Rhode Iſland*, and *Providence Plantation*, the *Narragauſet Country*, or *Kings Province*, and *Connecticut* in *New England*, and *New York*, and *New Jerſey*, do or ſhall preſume to cut, fell, or deſtroy any pitch, pine trees, or tar trees, not being within any fence or actual incloſure, under the growth of twelve inches diameter, at three foot from the earth, on the penalty or forfeiture of five pounds for each offence, on proof thereof to be made by one or more credible witneſſes on oath, before one or more juſtice or juſtices of the peace within or neareſt to ſuch place where ſuch offence ſhall be committed; one moiety of ſuch penalty or forfeiture to be to her Majeſty, her heirs or ſucceſſors, the other moiety to the informer or informers. Penalty on ſelling or deſtroying pitch, pine trees, &c. in New England, &c.

VII. And be it further enacted by the authority aforeſaid, That no perſon or perſons, within the ſaid colonies of *New Hampſhire*, the *Maſſachuſets Bay*, *Rhode Iſland*, and *Providence Plantation*, and *Narraganſet Country*, or *Kings Province*, *Connecticut* in *New England*, and *New York*, and *New Jerſey*, ſhall wittingly or willingly ſet fire to any woods or foreſts, in which there are any pitch, pine trees, or tar trees, prepared for the making of pitch or tar, without firſt giving notice to the perſon or perſons, owner or owners of the ſaid trees, who had prepared or ordered the preparing of ſuch trees, or to one of her Majeſty's juſtices of the peace there, on pain of forfeiting of ten pounds for each offence, to be recovered in ſuch manner, and on ſuch proof, and to be diſtributed, as aforeſaid; the ſaid forfeitures and penalties to be levied by warrant under the hands and ſeals of ſuch juſtice or juſtices of the peace. Penalty on burning pitch trees, &c. without notice given to the owner.

VIII. Provided always, That the importation of all ſuch naval ſtores, for which a reward or *præmium* is granted by this act, be ſubject to the ſame regulations, reſtrictions, and limitations, in reference to the ſhipping and navigating thereof, and ſuch ſecurity ſhall be given for importing the ſame into *England*, and ſubject to ſuch penalties and forfeitures, as the importation of ſugar, tobacco, cotton wooll, indico, ginger, fuſtick, and other dying wood, from her Majeſty's colonies and plantations in *America*, are ſubject unto. Stores ſubject to the ſame penalties, &c. as other plantation goods.

IX. Provided alſo, That the ſeveral directions and proviſions in this act ſhall commence and take effect from the firſt day of *January*, which ſhall be in the year of our Lord one thouſand ſeven hundred and five, and ſhall continue and be in force from thence forward, for the ſpace of nine years, and no longer. Act to continue 9 years.

CAP. XI.

An act for the better recruiting her Majeſty's land forces and the marines, for the year one thouſand ſeven hundred and five. EXP.

CAP.

CAP. XII.

An act for the relief of the creditors of Thomas Pitkin, a bankrupt, and for the apprehending of him, and the discovery of the effects of the said Thomas Pitkin, and his accomplices. EXP.

CAP. XIII.

An act for prohibiting all trade and commerce with France.

Prohibition of trade with France during the war. Ships seized by privateers fraudulently, forfeited, and privateer ship condemned as good prize. Proviso for French wines contracted for before 1 January, 1704. So as the same be imported before 1 August, 1705. Act not to prohibit trade with Spain. Contraband goods excepted. EXP.

CAP. XIV.

An act to prevent all traiterous correspondence with her Majesty's enemies.

Persons sending arms, ordnance, &c. to France, during the war, to suffer death as in cases of treason. Queen's subjects returning from France without licence guilty of high treason. Persons who have been in France, and returned without licence, shall depart by 1 May, 1705. unless they obtain the Queen's licence for staying here, or be deemed guilty of high treason. Persons without licence going to France, during the war, guilty of high treason. Offences committed beyond sea may be tried in any county in England. Persons indicted on this act, to have the benefit of the act made 7 W. 3. c. 3. EXP.

CAP. XV.

2 Annæ, c. 3. 5 W. & M. c. 7.

An act for the relief of Fulke Emes, gentleman, and others who had elapsed their times, either for paying their money, or naming their nominees, for purchasing annuities; and also for relief of Sir John Mead, knight and baronet, who had elapsed his time for paying part of his purchase-money for a forfeited estate in Ireland; and also for relief of Dorothy Ireland, and others, in respect of several tickets for payment of annuities, and of several million lottery tickets, and Exchequer bills, and debentures to the army, which have been burnt or lost.

Fulke Emes to have the annuity of 80 l. per annum, purchased by him for three lives. The like to Thomas Barnardiston, of 30 l. per annum, for one life. Mary Gibson to have her annuity of 20 l. per annum, for two lives. Mary Highstreet, to enjoy the annuity of 10 l. per annum, purchased by her for her own life. Samuel Cook to receive the annuities of 40 l. and 10 l. per annum, purchased by him for his own life. Sir John Mead's time of payment of Irish purchase-money enlarged, with interest at 8 l. per cent. Dorothy Ireland's malt tickets which were burnt or destroyed to be allowed on affidavit. Annuity tickets burnt or lost, officer on certificate of judge may discharge the same. The like on million lottery tickets, and malt tickets, &c. burnt or lost. EXP.

CAP. XVI.

3 & 4 Annæ, c. 11.

An act for punishing mutiny and desertion, and false musters; and for the better payment of the army, and their quarters.

Mutineers and deserters, &c. to suffer death. The Queen may grant commissions to her generals to call courts-martial. Courts-martial not to consist of less than 13 commission officers. President to be a field officer. Soldiers not exempt from the ordinary process of law. Act not to extend to militia. Every member of court-martial to be sworn. No sentence of death to be given, unless nine officers concur. Penalty on false certificates, to excuse soldiers from muster. Penalty on officers making false musters. Muster rolls to be signed by the mayor, &c. Penalty on muster master neglecting to give notice. Penalty upon persons falsly mustered. Horses falsly mustered to be forfeited. Penalty on agent, &c. detaining officer's or soldier's pay. Penalty on agents disobeying orders of Queen or lord treasurer. Officer to bring a certificate of men sick,

ſick, &c. Penalty on officer muſtering ſervants, &c. No ſoldiers to be quartered on private houſes. Penalty on conſtable, &c. quartering ſoldiers otherwiſe than by this act. Officers and ſoldiers to pay reaſonable rates for their proviſions. Juſtices to ſet the rates. Penalty on officer taking money to excuſe from quartering. No paymaſter, &c. to make deductions out of officer's or ſoldier's pay. Lord treaſurer may iſſue the money due for clothing every two months. Paymaſters to deduct the off-reckonings. Charge of arms, ſtores, &c. to be tranſmitted to paymaſter, &c. Rates of ſubſiſtence to be paid to innkeepers, &c. for ſoldiers quarters. Penalty on officer not paying ſubſiſtence-money. No muſters in Weſtminſter and Southwark, but in the preſence of two juſtices. All clothes, &c. to be bought in England. Muſter rolls to be cloſed on the day of muſter, and returned to the paymaſter of the forces, &c. Juſtices to iſſue out warrants to the conſtables to provide carriages. Penalty on officers forcing waggon to travel more than one day's journey, &c. or obliging conſtables to provide ſaddle horſes. Soldiers wives, &c. not to be quartered without conſent. Penalty on officer or ſoldier deſtroying the game. Penalty on perſons concealing deſerter, or buying his arms, clothes, &c. No ſoldiers to be billeted in Epſom, &c. Officers or ſoldiers correſponding with the Queen's enemies guilty of high treaſon. Soldiers reſiſting officer, felony. All trials for treaſon, felony, &c. may be determined in the Queen's Bench. Act not to abridge the Queen's power of making articles of war, &c. Queen may grant commiſſions for holding courts martial. Deſerter to be returned to his own regiment, there to be puniſhed. But one trial for the ſame offence. No attainder to extend to corruption of blood, &c. Trial of a peer to be by his peers. Perſons tried for treaſon on this act to have the benefit of the act 7 W. 3. c. 3. Officers and ſoldiers of the marine regiments ſubject to this act. Felons may be liſted on the Queen's warrant ſigned for their pardon. Act to extend to mutineers and deſerters in Ireland. Perſons not tried before 24 March, 1704. may be tried now by court-martial. Penalty on officer refuſing to give a juſt account of debentures. 1 & 3 Annæ, c. 20. 11 W. 3. c. 8. 13 W. 3. c. 1. 5 Annæ, c. 16.

EXP.

CAP. XVII.

An act for raiſing the militia for the year one thouſand ſeven hundred and five, although the month's pay formerly advanced be not repaid. 13 & 14 Car. 2 c. 3.

EXP.

CAP. XVIII.

An act for making perpetual an act for the more eaſy recovery of ſmall tithes; and alſo an act for the more eaſy obtaining partition of lands in coparcenary, joint tenancy, and tenancy in common; and alſo for making more effectual and amending ſeveral acts relating to the return of jurors.

WHEREAS *divers temporary laws, which by experience have been found beneficial and uſeful, are expired, or near expiring*; therefore, for continuing the ſame, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the ſeſſion of parliament held in the ſeventh and eighth years of the reign of the late King *William* the Third, intituled, *An act for the more eaſy recovery of ſmall tithes*, which was to continue for three years, and from thence to the end of the next ſeſſion of parliament, which act was further continued by an act made in the tenth and eleventh years of 7 & 8 W. 3. c. 6. *for recovering ſmall tithes*, and further con-

tinued by 10 & 11 W. 3. c. 15. made perpetual.

of the reign of the ſaid King *William* the Third, for ſeven years from the expiration thereof, which will expire at the end of the next ſeſſion of parliament after the year one thouſand ſeven hundred and five, ſhall be, and is hereby continued, and ſhall be in force, and be made perpetual.

II. And be it further enacted by the authority aforeſaid, That an act made in the ſeſſion of parliament held in the eighth and ninth years of his ſaid late majeſty King *William* the Third, intituled, *An act for the eaſier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common*, which will expire at the end of the next ſeſſion of parliament after the firſt day of *May*, one thouſand ſeven hundred and four, ſhall be, and is hereby continued, and ſhall be in force, and be made perpetual.

8 & 9 W. 3. c. 31. *for the eaſier obtaining partitions of lands in coparcenary*, &c. made perpetual.

III. *And whereas in an act made in the ſeſſion of parliament held in the fourth and fifth years of the late King* William *and Queen* Mary, *intituled*, An act for reviving, continuing, and explaining, ſeveral laws therein mentioned, which are expired and near expiring, *there are ſeveral good clauſes and proviſions relating to the returning of jurors, which clauſes and proviſions were by the ſaid act to continue in force for ſeven years after the firſt of* May, *one thouſand ſix hundred ninety three, and to the end of the next ſeſſion of parliament: and whereas the ſaid clauſes and proviſions relating to the returning of jurors were, by an act made in the ſeventh and eighth years of the late King* William *the Third, intituled*, An act for the eaſe of jurors, and better regulating of juries, *continued for ſeven years, from the firſt of* May, *one thouſand ſix hundred ninety and ſix, and from thence to the end of the next ſeſſion of parliament, and no longer; which ſaid laſt mentioned act was alſo to continue but for the ſaid term of ſeven years, from the firſt of* May, *one thouſand ſix hundred ninety and ſix, and to the end of the next ſeſſion of parliament: and whereas the ſaid act made in the ſaid ſeſſion of parliament, held in the ſeventh and eighth years of the late King* William *the Third, was by an act made in the firſt year of the reign of her preſent Majeſty, intituled*, An act for continuing former acts for exporting leather, and for eaſe of jurors, and for reviving and making more effectual an act relating to vagrants, *continued for ſeven years from the expiration thereof, and to the end of the next ſeſſion of parliament: and whereas the ſaid clauſes, proviſions, and act have not proved effectual, by reaſon of ſome defects in the ſaid act*; for remedy whereof be it enacted by the authority aforeſaid, That if any ſheriff of the ſaid county of *York* ſhall, after the firſt day of *May*, one thouſand ſeven hundred and five, during the continuance of the ſaid act, refuſe or neglect to provide and keep ſuch book or regiſter, as in the ſaid recited act is directed, or ſhall refuſe or neglect to enter therein the names of the perſons who ſerved as jurors in any the aſſizes or general quarter ſeſſions of the peace, to be held in or for the ſaid county, or any the ridings therein, in or during the time he ſhall be ſheriff of the ſaid county, with the additions and places of abode, and time and places of ſuch their ſervices, in ſuch manner

4 & 5 W. & M. c. 24.

7 & 8 W. 3. c. 32.

1 Annæ, ſtat. 2. c. 13.

Penalty on ſheriff of York not keeping a regiſter book of jurors names:

ner as in and by the ſaid recited act is directed, or ſhall refuſe or neglect, within ten days after the next ſucceeding ſheriff of the ſaid county ſhall be ſworn into his office, to deliver over to ſuch ſucceeding ſheriff, as well all and every the books and regiſters that ſhall be made or prepared in the year wherein he ſhall have ſerved ſheriff, as alſo all ſuch other books or regiſters as were prepared in the ſheriffwick of any of his predeceſſors, ſheriffs of the ſaid county, within four years then next before, and which were delivered over to him by any of his ſaid predeceſſors, or ſhall refuſe or neglect to make and deliver, by himſelf or his under ſheriff, ſuch certificate *gratis*, as in the ſaid recited act is mentioned, that then every ſuch ſheriff of the ſaid county of *York*, ſo refuſing or neglecting in all or any the ſaid caſes aforeſaid, ſhall for every ſuch offence forfeit the ſum of one hundred pounds; one moiety whereof ſhall be to the uſe of her Majeſty, her heirs or ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame, in any of her Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law, nor more than one imparlance ſhall be allowed.

Or returning one perſon oftner than once in four years.

IV. And be it further enacted by the authority aforeſaid, That if any ſuch ſheriff of the ſaid county, for the time being, his or their under ſheriff, deputy, or bailiff, during the continuance of the ſaid act, ſhall knowingly ſummon or return any perſon or perſons to ſerve on any jury or juries, at any the ſaid aſſizes or ſeſſions of the peace, who ſhall, within four years before ſuch ſummons or return, have ſerved on any jury at any the ſaid aſſizes or ſeſſions held within the ſaid county, or any the ridings therein, and ſhall not, upon producing of ſuch certificate or certificates, as aforeſaid, to the officer or perſon ſo ſummoning, or to the ſaid ſheriff, or his under ſheriff or deputy, diſcharge the ſaid ſummons or return, and thereof give notice to the party ſummoned, ſix days before ſuch aſſizes or ſeſſions of the peace, at the which ſuch perſon ſhall be ſummoned or returned to appear, that then the ſaid ſheriff, under ſheriff, bailiff, or perſon ſo ſummoning or refuſing to diſcharge, as aforeſaid, ſhall forfeit and loſe to the party ſo ſummoned the ſum of twenty pounds, to be recovered in manner and form as is laſt herein before-mentioned, together with his full coſts of ſuit.

Penalty on conſtables not returning a liſt of perſons fit for jurors.

V. *And whereas many conſtables, tythingmen, and headboroughs of towns, have refuſed or neglected to return, or give to the juſtices of the peace at the general quarter ſeſſions, a true liſt in writing of the names and places of abode of all perſons within the reſpective places for which they ſerve, qualified to ſerve upon juries, as in and by the ſaid act made in the ſeventh and eighth years of the late King* William *it is enacted and provided, by reaſon of which neglect, the good intent of the ſaid act has been eluded, and great inconveniencies have thereupon enſued:* for remedy whereof be it further enacted by the authority aforeſaid, That the juſtices of the peace for all counties or ridings, within the kingdom of *England*, or dominion of *Wales*, ſhall yearly and every year, during the continuance

Continued by 9 Geo. 1. c. 8. f. 2. *for 7 years.*

tinuance of the ſaid act, at the general quarter ſeſſions to be holden next after the four and twentieth day of *June*, iſſue forth their warrant or warrants, under the hands and ſeals of two or more of them, to the head or chief conſtable and conſtables of every hundred, lathe, or wapentake, requiring him or them to iſſue forth his or their precept or precepts to the reſpective conſtables, tythingmen, and headboroughs within his and their hundred, lathe, or wapentake, thereby directing and requiring them, and all and every of them, to convene and meet together with the ſaid head conſtables of the hundred, lathe, or wapentake, within fourteen days next after the date of ſuch receipt, at ſome uſual or convenient place in the hundred, lathe, or wapentake, when and where the conſtables, tythingmen, and headboroughs, ſhall prepare and make a true liſt fair written and ſigned by them, of the names and places of abode of all the perſons within the reſpective places for which they ſerve, qualified to ſerve on juries, according to the direction of the ſaid act made in the fourth and fifth years of King *William* and Queen *Mary*, with their titles and additions, between the age of one and twenty years and the age of ſeventy years, as by the ſaid act of the ſeventh and eighth years of the ſaid King *William* is directed and appointed: which liſt the ſaid conſtable, tythingman, and headborough, or their deputies, or ſome or one of them, yearly at the general quarter ſeſſions of the peace to be holden for each county, riding, or diviſion, or any part thereof, in the week after the feaſt of Saint *Michael*, upon the firſt day of the ſaid ſeſſions, or upon the firſt day that the ſaid ſeſſions ſhall be held by adjournment at any other particular place or diviſion, ſhall return and give to the juſtices of the peace in open court: and any head conſtable of the hundred, lathe, or wapentake failing to iſſue forth his or their precept or precepts to convene and meet together, with the conſtables, tythingmen, and headboroughs, as aforeſaid, ſhall forfeit and incur the penalty of ten pounds; and any conſtable, tythingman, and headborough failing to meet the head conſtable of the hundred, lathe, or wapentake, purſuant to his precept, and failing to prepare and make a true liſt, and to return and give in the ſame to the juſtices in open court, as aforeſaid, ſhall forfeit and incur the penalty of five pounds: and every ſuch high conſtable, conſtable, and tythingman, ſo offending, ſhall be proſecuted at the general aſſizes, ſeſſions of *Oyer* and *Terminer*, and general gaol delivery, or ſeſſions of the peace, before the juſtices thereof, who ſhall have power and authority to hear and determine the ſame.

The conſtable, &c. ſubſcribing the liſt before a juſtice, is ſufficient by 3 Geo. 2. c. 25. f. 7.

See 10 Annæ, c. 14.

The forementioned acts to be read publickly every quarter ſeſſions after 24 June yearly.

VI. And for the better obſervance of this act, and of the ſaid acts made in the fourth and fifth years of King *William* and Queen *Mary*, and in the ſaid ſeventh and eighth years of the late King *William*, the juſtices of the peace at the general quarter ſeſſions, held after the four and twentieth day of *June*, yearly, ſhall cauſe the ſaid ſeveral acts to be publickly read in open court.

Anno

Anno Regni ANNÆ *Reginæ quarto.*

AT *the parliament ſummoned to be held at* Weſtminſter *the fourteenth day of* June, Anno Dom. 1705. *in the fourth year of the reign of our ſovereign lady* Anne, *by the grace of God, of* England, Scotland, France, *and* Ireland, *Queen, defender of the faith,* &c. *and from thence continued by ſeveral prorogations to the five and twentieth day of* October, 1705. [a] *and then begun and holden, being the firſt ſeſſion of this preſent parliament.*

[a] *In the inrolment it is,* To the nineteenth day of March.

CAP. I.

An act for exhibiting a bill in this preſent parliament for naturalizing the moſt excellent princeſs Sophia, *electreſs and dutcheſs dowager of* Hanover, *and the iſſue of her body.*

WHEREAS *the moſt excellent princeſs* Sophia, *electreſs and dutcheſs dowager of* Hanover, *and the iſſue of her body, are to be naturalized, and by reaſon of their being beyond the ſeas, they cannot qualify themſelves in order thereto, according to the act made in the ſeventh year of the reign of King* James *the Firſt, which requires every perſon to receive the ſacrament of the Lord's ſupper, within one month before any bill for naturalization be exhibited, and alſo take the oaths of ſupremacy and allegiance in the parliament houſe, before his or her bill be twice read:* be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That a bill for the naturalization of the ſaid moſt excellent princeſs *Sophia,* electreſs and dutcheſs dowager of *Hanover,* and the iſſue of her body, ſhall and may be exhibited and brought into this preſent parliament, and twice read; any law, ſtatute, matter, or thing whatſoever to the contrary notwithſtanding.

Princeſs Sophia of Hanover, and her iſſue, to be naturalized. 7 Jac. 1. c. 2.

A bill to be exhibited for their naturalization.

CAP. II.

An act for granting an aid to her Majeſty by a land tax, to be raiſed in the year one thouſand ſeven hundred and ſix. EXP. 4 s. in the pound.

CAP. III.

An act to repeal ſeveral clauſes in the ſtatute made in the third and fourth years of her preſent Majeſty's reign, for ſecuring the kingdom of England *from ſeveral acts lately paſſed in the parliament of* Scotland.

WHEREAS *in a ſtatute made in the third and fourth years of her preſent Majeſty's reign, intituled,* An act for the effectual 3 & 4 Ann. c. 7.

3 & 4 Annæ, c. 7.

fectual securing the kingdom of *England* from the apparent dangers that may arise from several acts lately passed in the parliament of *Scotland*, *there are clauses contained in these words following* (*that is to say*:)

Natives of Scotland (except settled inhabitants in England, &c.) after 25 Dec. 1705, adjudged aliens, &c.

II. *And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of* December, *one thousand seven hundred and five, no person or persons, being a native or natives of the kingdom of* Scotland (*except such as are now settled inhabitants within the kingdom of* England, *or the dominions thereunto belonging, and shall continue inhabitants thereof, and such as are now in service in her Majesty's fleet or army*) *shall be capable to inherit any lands, tenements, or hereditaments within this kingdom of* England, *or the dominions thereunto belonging, or to enjoy any benefit or advantage of a natural born subject of* England; *but every such person shall be from thenceforth adjudged and taken as an alien, born out of the allegiance of the Queen of* England, *until such time as the succession to the crown of* Scotland *be declared and settled by an act of parliament in* Scotland, *in the same manner the succession to the crown of* England *is now settled by act of parliament in* England, *in case of her Majesty's demise without issue of her body.*

Horses, arms, &c. conveyed in Scotland, forfeiture 100l. &c.

III. *And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall at any time from and after the twentieth day of* February, *one thousand seven hundred and four, until such time as the succession to the crown of* Scotland *be declared and settled by an act of parliament in* Scotland, *in like manner, as aforesaid, convey or send, or cause to be conveyed or sent from any parts or place in* England *or* Ireland, *any horses, arms, or ammunition into the kingdom of* Scotland, *every such person or persons shall forfeit the sum of one hundred pounds, and treble the value of such horses, arms, or ammunition; one third part thereof to the Queen's most excellent majesty, her heirs and successors; and the other third part thereof to him or them who will sue for the same in any of her Majesty's courts at* Westminster, *by action of debt, suit, bill, plaint, or information, wherein no essoin, protection, or wager of law shall lie.*

Scotch cattle brought into England, &c. forfeited.

IV. *And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of* December, *one thousand seven hundred and five, until such time as the succession to the crown of* Scotland *be declared and settled by an act of parliament in* Scotland, *in like manner, as aforesaid, no great cattle or sheep shall be brought out of, or from the kingdom of* Scotland *into the kingdom of* England *or* Ireland, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *under the penalty of forfeiting all such great cattle or sheep to him or them who will seize or sue for the same, and also the value of such great cattle or sheep; one third part to the Queen's most excellent majesty, her heirs and successors, and the other two third parts thereof to him or them who will sue for the same, to be recovered as aforesaid.*

Cattle so brought may be detained 4 days, &c.

V. *And be it further enacted, That it shall and may be lawful to and for any person and persons whatsoever, to take and seize in any place or places whatsoever, the great cattle or sheep brought contrary*

to

to this act into this kingdom of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, and detain the same, during the space of four days, in some publick or convenient place where such seizure shall be made, within which time, if the owner or owners, or any on his or their behalf, shall make it appear unto some justice of the peace of the same county where the same shall be so seized, by the oath of two credible witnesses (which oath the said justice of the peace is hereby required and impowered to administer) that the same were not brought from Scotland, after the said five and twentieth day of December, one thousand seven hundred and five, then the same upon the warrant of such justice shall be forthwith re-delivered.

English cattle intermixed, forfeited.

VI. And be it further enacted, That if any English, or other cattle or sheep, shall be, with the privity or knowledge of the owner, or any person employed by him, driven or intermixed, or cause to be driven or intermixed with great cattle or sheep, brought out of or from Scotland, and shall be seized with them, such cattle and sheep so intermixed and seized, shall be deemed Scotch cattle, and shall be subject to the like forfeiture, and ordered and disposed of in all respects as if they were brought out of or from Scotland, contrary to this act; and if any person or persons shall wilfully and fraudulently conspire, confederate, or agree together to avoid or evade the seizures or forfeitures upon the bringing in of cattle in this act particularly specified, and the same shall put in execution, then every such person and persons, being thereof indicted or presented within one year, next after such offence by him or them committed, and being thereof lawfully convicted or attainted, at any time hereafter, shall forfeit the sum of one hundred pounds, to be recovered and distributed, as aforesaid.

Persons sued, to plead the general issue.

VII. And be it further enacted by the authority aforesaid, That if any action, suit, bill, plaint, or information, shall be commenced or prosecuted against any person or persons for any seizure, or other thing done or made in pursuance or execution of this act, such person or persons shall not be obliged to give any more than a common appearance, and may plead the general issue, and give the special matter in evidence; and if the plaintiff or prosecutor shall become non-suit, or forbear prosecution, or suffer discontinuance, or if a verdict pass against him in any such action, bill, plaint, suit, or information, as aforesaid, the defendants shall have treble costs, for which they shall have the like remedy as in any case where costs by law are given to the defendant.

Scotch coals imported, forfeited.

VIII. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of December, one thousand seven hundred and five, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in like manner, as aforesaid, no Scotch coals shall be imported out of the kingdom of Scotland into the kingdoms of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, under the penalty of forfeiting the coals so imported; one half to the Queen's most excellent majesty, the other half to such person as shall seize or sue for the same.

Scotch linen also.

IX. *And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of* December, *one thousand seven hundred and five, until such time as the succession to the crown of* Scotland *be declared and settled by an act of parliament in* Scotland, *in like manner, as aforesaid, no* Scotch *linen shall be imported or brought out of* Scotland *into the kingdom of* England, *dominion of* Wales, *town of* Berwick *upon* Tweed, *or* Ireland, *under the penalty of forfeiting the said linen, and double the value thereof, to be recovered with costs of suit in any of her Majesty's courts of record; one moiety thereof to the Queen's majesty, the other moiety to such persons as shall seize, inform, or sue for the same.*

The aforesaid clauses repealed.

X. *And whereas, since the making the said act, an act hath been made and passed in the parliament of* Scotland, *for enabling her Majesty to appoint commissioners to treat with commissioners for the kingdom of* England, *of and concerning an union of the said kingdoms of* England *and* Scotland: now to the end that the good and friendly disposition of this kingdom towards the kingdom of *Scotland* may appear; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said clauses be from henceforth absolutely repealed and vacated to all intents and purposes whatsoever.

CAP. IV.

An act for the naturalization of the most excellent princess Sophia, *electress and dutchess dowager of* Hanover, *and the issue of her body.*

WHEREAS *the imperial crown and dignity of the realms of* England, France, *and* Ireland, *and the dominions thereto belonging, after the demise and death of your Majesty, our most gracious sovereign, without issue of your body, is limited by act of parliament, to the most excellent princess* Sophia, *electress and dutchess dowager of* Hanover, *grandaughter of the late King* James *the First, and the heirs of her body, being protestants: and whereas your Majesty, by your royal care and concern for the happiness of these kingdoms, reigns in the hearts and affections of all your people, to their great comfort and satisfaction, and will be a glorious example to your royal successors in future ages: and to the end the said princess* Sophia, *electress and dutchess dowager of* Hanover, *and the issue of her body, and all persons lineally descending from her, may be encouraged to become acquainted with the laws and constitutions of this realm, it is just and highly reasonable, that they, in your Majesty's life time (whom God long preserve) should be naturalized, and be deemed, taken, and esteemed natural born subjects of* England: we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and therefore be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled,

bled, and by the authority of the same, That the said princess *Sophia*, electress and dutchess dowager of *Hanover*, and the issue of her body, and all persons lineally descending from her, born or hereafter to be born, be and shall be, to all intents and purposes whatsoever, deemed, taken, and esteemed natural born subjects of this kingdom, as if the said princess, and the issue of her body, and all persons lineally descending from her, born or hereafter to be born, had been born within this realm of *England*; any law, statute, matter, or thing whatsoever to the contrary notwithstanding. Princess Sophia of Hanover, and her issue naturalized.

II. Provided always, and be it further enacted and declared by the authority aforesaid, That every person and persons, who shall be naturalized by virtue of this act of parliament, and shall become a papist, or profess the popish religion, shall not enjoy any benefit or advantage of a natural born subject of *England*; but every such person shall be adjudged and taken as an alien, born out of the allegiance of the Queen of *England*, to all intents and purposes whatsoever; any thing herein contained to the contrary notwithstanding. No papist, &c. to have the benefit of a natural-born subject.

CAP. V.

An act for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and six. EXP.

CAP. VI.

An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned.

MAY *it please your most excellent Majesty, we your Majesty's most dutiful and loyal subjects the commons of* England *in parliament assembled, duly considering your Majesty's great occasions for money to carry on the present war, and having regard as well to the great burthen of taxes now lying upon your Majesty's subjects, as to the present condition of the publick funds, and the present incumbrances thereupon, are therefore desirous, by such easy and effectual ways and means, as in this act are expressed and intended, to raise a sum of money, not exceeding in the whole, two millions five hundred seventy five thousand seven hundred sixty one pounds, sixteen shillings and two pence, (part of the money necessary to be provided in this session of parliament for your Majesty's supply) and such further sum of money as will be sufficient, during the first two years of the term herein after mentioned, to compleat the payment of the annuities to be purchased upon this act; and have for that end and purpose, cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the subsidy of tonnage and poundage upon wines, goods, and merchandizes, and the several duties upon coal, culm, and cynders, and upon beer, ale, cyder, and other liquors hereafter* 2575761*l.* 16*s.* 2*d.* to be raised.

Tonnage and poundage, upon wines, &c. granted.

hereafter in this act mentioned, for such several and respective terms, and to commence at or from such respective days and times, and to be paid and payable in such manner and form, as in this act are afterwards expressed: (that is to say) whereas by an act made and passed in the ninth year of the reign of his late majesty King William the Third, of glorious memory, (intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life) it was enacted, That over and above the subsidies, impositions, and other duties therein mentioned, there should be raised and paid to his Majesty, one other subsidy called tonnage, for and upon all wines which from and after the last day of January, in the year of our Lord one thousand six hundred ninety and nine, at any time and times, during his Majesty's life, should be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed; and one further subsidy called poundage of all manner of goods and merchandizes imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said last day of January, one thousand six hundred ninety nine, during his Majesty's life, by way of merchandize (except such goods and merchandizes as are therein excepted) and with such abatements, regulations, directions for making repayments or allowances upon exportation, and subject to such rules and other matters and things touching the said several subsidies, as in the last-mentioned act are expressed: which said further subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes, granted by the act above recited, are to be raised and paid to her Majesty, during her life, by virtue of another act of parliament made and passed in the first year of her reign, (intituled, An act for the better support of her Majesty's household, and the honour and dignity of the crown:) and whereas by an act made and passed in the second year of her Majesty's reign, (intituled, An act for granting to her Majesty an additional subsidy of tonnage and poundage for three years, and for laying a further duty upon *French* wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the *East Indies*) it was enacted, That there should be raised, levied, collected, paid and satisfied unto her Majesty one other subsidy called tonnage, for and upon all wines which from and after the eighth day of March, in the year of our Lord one thousand seven hundred and three, at any time or times within or during the space of three years from thence next and immediately ensuing, should be imported or brought into the kingdom of England, dominion of Wales, and town of Berwick upon Tweed; (that is to say) one third part of such or the like several and respective duties as by the two acts last recited or mentioned, or either of them, were imposed or payable for or upon any kind of wine or wines respectively: and one other subsidy called poundage of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majesty's dominions to the same belonging, at any time or times after the said eighth day of March, one thousand seven hundred and three,

9 & 10 W. 3. c. 23.

New subsidy.

1 Annæ, stat. 1. c. 7.

2 & 3 Annæ, c. 9.

One third subsidy.

three, during the said term of three years, by way of merchandize; (that is to say) one third part of such or the like several and respective duties as by the said two acts last before recited or mentioned, or either of them, are imposed or payable for or upon the same goods and merchandizes respectively, (except such goods and other merchandizes as by the said two acts last-mentioned, or either of them, are exempted from payment of the subsidies thereby granted) as in and by the said several acts (relation being thereunto respectively had) may more fully appear; now we your Majesty's said dutiful and loyal subjects the commons in parliament assembled, for the ends and purposes aforesaid, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That over and above the subsidies of tonnage and poundage above-mentioned, and over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any act or acts of parliament, or otherwise howsoever already due or payable, or which ought to be paid to her Majesty, her heirs and successors, for or upon any wines, goods, and merchandizes whatsoever imported or to be imported, there shall be continued, and be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines which from and after the eighth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, at any time or times, within or during the term of ninety and eight years from thence next and immediately ensuing, and fully to be compleat and ended, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, the same or the like subsidy of tonnage, as by the said act of the second year of her Majesty's reign was charged or imposed, for or upon any kind of wine or wines whatsoever; (that is to say) one third part of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign, were granted to him during his life, and by the said act of the first year of her Majesty's reign, are continued to her during her Majesty's life, for or upon any kind of wine or wines respectively, and for and upon all manner of goods and merchandizes, which from and after the said eighth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, at any time or times within or during the said term of ninety and eight years, shall be imported or brought into this realm, or any her Majesty's dominions, to the same belonging, by way of merchandize, there shall be continued, raised, levied, collected, paid, and satisfied to her Majesty, her heirs and successors, the same or the like subsidy of poundage, as by the said act of the second year of her Majesty's reign was laid or imposed, for or upon any goods or merchandizes whatsoever; (that is to say) one third part of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign, were granted

Tonnage, &c. 2 Annæ, continued from 8 March, 1706 for 98 years. *For the application of 400000l. per ann. of the surplus money arising from this act, see* 6 Annæ, c. 5. s. 1, 2.

This duty made perpetual by 1 Geo. 1. st. 2. c. 12. s. 8. (viz.) One third part, &c. 9 & 10 W. 3. c. 23.

9 & 10 W. 3. c. 23.

granted to him during his life, and by the ſaid act of the firſt year of her Majeſty's reign, are continued during her Majeſty's life, for or upon the ſame goods and merchandizes reſpectively, (except ſuch goods and other merchandizes, as by the ſaid ſubſidy acts made in the ninth year of his ſaid late Majeſty's reign, and in the firſt and ſecond years of her now Majeſty's reign, or any of them, are exempted from payment of the ſaid ſubſidies thereby granted.)

1 Annæ, ſtat. 1. c. 7.

Except ſuch as are exempted from payment.

II. And it is hereby enacted, That in all caſes where by the ſaid ſubſidy act of the ſecond year of her Majeſty's reign, or by any general or particular clauſes therein contained, any drawbacks or abatements of the whole, or any part of the duties thereby granted, or any other allowances whatſoever, are appointed to be made or given in reſpect of the ſubſidy thereby granted, there ſhall be in the like caſes reſpectively the ſame, or the like drawbacks and abatements of the whole or part of the duties by this act granted, and other allowances made and given in reſpect of the ſubſidy hereby impoſed; and that the ſaid ſeveral ſubſidies and duties by this act payable, during the continuance thereof, and all arrearages of the ſame, ſhall be raiſed, levied, collected, ſecured and paid by the ſame ways, means, and methods, and under ſuch penalties and forfeitures, and ſubject to ſuch rules and directions as in and by the ſaid ſubſidy acts of the ninth year of his ſaid late Majeſty's reign, and of the firſt and ſecond years of her now Majeſty's reign, or by any general, relative, or particular clauſes, or words therein, or in any of them contained, and now in force, are preſcribed or appointed, touching or concerning the ſaid ſeveral ſubſidies of tonnage and poundage, which were thereby reſpectively granted, as aforeſaid; and that ſo much of the ſaid ſubſidy act of the ſecond year of her Majeſty's reign, and ſuch of the branches and clauſes therein contained, or thereby referred unto, as do concern only the ſubſidy of tonnage and poundage thereby granted, (being one third part of the ſubſidies granted by the ſaid former acts, as aforeſaid) and are now in force, ſhall be uſed, exerciſed, put in practice, and obſerved, in and for the raiſing, levying, collecting, and anſwering the ſubſidies and duties hereby before granted, as fully and effectually as if the ſame were again particularly and at large repeated and re-enacted in the body of this preſent act.

Drawbacks, &c. allowed by this act. 2 & 3 Annæ, c. 9.

Duties how raiſed. 9 & 10 W. 3. c. 23. 1 Annæ ſtat. 1. c. 7. 2 & 3 Annæ, c. 9.

Clauſes to be obſerved in collecting the ſubſidy.

III. And it is hereby declared and enacted, That the exception contained in the act of the third year of her Majeſty's reign, intituled, *An act for granting to her Majeſty a further ſubſidy on wines and merchandizes imported*, whereby currans imported in *Engliſh*-built ſhipping, navigated according to the laws then in force, are exempted from the duties thereby granted, ſhall be extended to all ſuch currans as after the five and twentieth day of *March*, one thouſand ſeven hundred and ſix, ſhall be imported in ſhips belonging to any of the ſubjects of the republick of *Venice*, ſo that they alſo ſhall be exempted from payment

Duty on currans from Venice, exempted 3 & 4 Annæ, c. 5. This clauſe explained by 8 Annæ, c. 13. ſ. 21.

ment of the ſubſidy granted by that act; any thing therein contained to the contrary notwithſtanding.

IV. And her Majeſty's ſaid dutiful and loyal ſubjects, the commons, in parliament aſſembled, do alſo humbly beſeech her Majeſty that it may be enacted; and be it enacted by the authority aforeſaid, That all ſuch and the like impoſitions, rates and duties whatſoever, as in and by an act of parliament made and paſſed in the ninth year of the reign of his ſaid late majeſty King *William* the Third, (intituled, *An act for granting to his Majeſty ſeveral duties upon coal and culm*) were charged and impoſed upon the ſeveral ſorts of coals and culm therein mentioned, for the term of five years, which commenced from the fifteenth day of *May*, in the year of our Lord one thouſand ſix hundred ninety eight, and the duty and duties upon cynders, which in and by an act made and paſſed in the parliament holden at *Weſtminſter*, in the tenth and eleventh years of his late Majeſty's reign (intituled, *An act for laying further duties upon ſweets, and for leſſening the duties as well upon vinegar, as upon certain low wines, and whale fins, and the duties upon brandy imported, and for the more eaſy raiſing the duties upon leather, and for charging cynders, and for permitting the importation of pearl aſhes, and for preventing abuſes in the brewing of beer and ale, and frauds in importation of tobacco*) were charged or impoſed upon ſuch cynders as are therein mentioned, for four years, commencing from the fifteenth day of *May*, in the year of our Lord one thouſand ſix hundred ninety nine, which ſeveral duties upon coals, culm, and cynders were by an act made in the firſt year of her now Majeſty's reign, (intituled, *An act for continuing the duties upon coals, culm, and cynders*) continued from the fourteenth day of *May*, in the year of our Lord one thouſand ſeven hundred and three, until the fifteenth day of *May*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight (charcoals made of wood being always excepted) ſhall by force and virtue of this act be further continued from the fourteenth day of *May*, in the year of our Lord one thouſand ſeven hundred and eight, until the thirtieth day of *September*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, for the purpoſes in this act expreſſed, and ſhall, during all that time and term, be raiſed, levied, collected, and paid, for and upon all ſuch and the like ſorts of coals, culm, and cynders, as by the ſaid former acts touching the ſame, or any of them, were chargeable, in ſuch manner and form, and according to ſuch rules, and under ſuch penalties and forfeitures, as by the ſame former acts touching coals, culm, and cynders, or the duties thereof, or any of them, were preſcribed for or concerning the duties thereby granted or continued.

Duties on coal, culm, &c. continued from 14 May, 1708. to 30 Sept. 1710.

9 & 10 W. 3. c. 13.

10 & 11 W. 3. c. 21.

1 Annæ, ſtat. 2. c. 4.

V. And it is hereby enacted, That the ſaid act (intituled, *An act for granting to his Majeſty ſeveral duties upon coals and culm*) and ſo much of the ſaid act for laying duties upon ſweets, and other things, as concerns the ſaid duty upon cynders, and all and every the powers, authorities, rules, directions, penalties, and

Clauſes, &c. in former acts revived, for levying the duties on this act.

9 & 10 W. 3. c. 13. 9 Annæ, c. 6. ſ. 9.

and forfeitures, clauſes, matters, and things therein contained, now being in force, for governing, managing, raiſing, levying, ſecuring, collecting, receiving, paying, and accounting for the duties upon coals, culm, and cynders, by the ſaid former acts granted or continued, during the ſaid ſeveral terms therein mentioned, ſhall be and are by force and virtue of this preſent act revived, and ſhall be in full force, and be duly obſerved, practiſed, and put in execution, in and for the governing, managing, raiſing, levying, ſecuring, collecting, receiving, paying, and accounting for the duties upon coals, culm, and cynders, by this act granted, for and during the term hereby granted of and in the ſame, and all arrearages thereof, as fully and effectually, to all intents and purpoſes, as if the ſame powers, authorities, rules, directions, penalties, and forfeitures, clauſes, matters and things, were again expreſſed, and particularly repeated and re-enacted in the body of this preſent act.

5 & 6 W. & M. c. 7. Exciſe on beer, ale, &c. to be paid from 17 May, 1713. during 95 years. *Made perpetual by* 1 Geo. 1. ſtat. 2. c. 12. ſect. 8. *and part of the* aggregate fund.

VI. *And whereas in and by a certain act of parliament made in the fifth year of the reign of their late majeſties King* William *and Queen* Mary, *(intituled,* An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt *France) certain rates and duties of exciſe therein mentioned, for and upon beer, ale, vinegar, vinegar beer, mum, cyder, perry, brandy, ſpirits,* aqua vitæ, *metheglin, and other liquors therein expreſſed, were granted or made payable to their ſaid late Majeſties, their heirs and ſucceſſors, for and during the term of ſixteen years, which commenced from the ſeventeenth day of* May, *which was in the year of our Lord one thouſand ſix hundred ninety ſeven, and ſeveral annuities therein mentioned, were thereby made payable to ſuch perſons as ſhould contribute monies upon the ſame act, their executors, adminiſtrators, and aſſigns reſpectively, out of the fund thereby provided, and charged upon the duties of ſalt, and the ſaid duties of exciſe, thereby granted for a certain term of ſixteen years, which will expire at the feaſt of St.* Michael *the archangel, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, or at the end of twenty days then next enſuing, as by the act laſt before recited (relation being thereunto had) may more fully appear:* now her Majeſty's ſaid dutiful and loyal ſubjects, the commons in parliament aſſembled, do likewiſe humbly beſeech your Majeſty that it may be enacted; and be it enacted by the authority aforeſaid, That from and after the ſeventeenth day of *May*, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirteen, there ſhall be within and throughout her Majeſty's kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto her Majeſty, her heirs and ſucceſſors, for and during the ſpace and term of ninety five years, from thence next and immediately enſuing, and fully to be compleat and ended, for beer, ale, cyder, and other liquors herein after expreſſed, by way of exciſe,

ciſe, over and above all duties, charges, and impoſitions, by any former act or acts of parliament ſet or impoſed, the ſeveral rates and duties of exciſe herein after expreſſed: (that is to ſay)

VII. For every barrel of beer or ale above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, nine pence. For every barrel of beer or ale above 6s. (exciſe excluſive.) 9d.

VIII. For every barrel of beer or ale of ſix ſhillings the barrel, or under, brewed by the common brewer, or any other perſon or perſons, who ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, three pence. Every barrel, &c. of 6s. or under, 3d.

IX. For every barrel of vinegar, or vinegar beer, or liquors preparing for vinegar, which ſhall be brewed or made of any *Engliſh* or foreign materials, by any perſon or perſons whatſoever, for ſale, and ſo in proportion for a greater or leſſer quantity (over and above the other duties of exciſe payable for the ſame) two ſhillings and four pence, to be paid by the maker thereof. Barrel of vinegar, &c. 2s. 4d. vinegar made for pickles for ſale, is to pay duty. 8 Annæ, c. 7. ſ. 4.

X. For every barrel of beer, ale or mum imported from beyond the ſeas, or from the iſlands of *Guernſey*, or *Jerſey*, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties payable for the ſame, three ſhillings. Barrel of mum, beer, ale, &c. imported, 3s.

XI. For every tun of cyder or perry imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and above the duties payable for the ſame, four pounds. Cyder, &c. imported, 4l. per tun.

XII. For every gallon of ſingle brandy, ſpirits or *aqua vitæ*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame, two ſhillings. Single brandy, ſpirits, &c. imported, 2s. per gallon,

XIII. For every gallon of brandy, ſpirits or *aqua vitæ*, above proof, commonly called double brandy, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame, four ſhillings. brandy, ſpirits, &c. above proof, imported, 4s. per gallon.

XIV. For all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above the duties payable for the ſame, and ſo proportionably for a greater or leſſer meaſure, one ſhilling and three pence. Cyder, &c. ſold by retail, to pay 1s. 3d. per hogſhead.

XV. For all metheglin or mead made for ſale, whether by retail or otherwiſe, to be paid by the maker, for every gallon, three pence. Metheglin, &c. 3d. per gallon.

XVI. And be it enacted by the authority aforeſaid, That the ſaid ſeveral rates, duties and impoſitions upon beer, ale, cyder, and other liquors aforeſaid, and all arrearages thereof, be raiſed, levied, Duties on beer, ale, &c. how levied.

levied, collected, and paid unto her Majesty, her heirs and successors, during the said space and term of ninety five years, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, and with such power of mitigation, and other powers, as the like or the said duties of excise granted by the said act of the fifth year of their late Majesties reign are thereby or by any other act or acts, or law whatsoever, for or concerning any the duties of excise upon beer, ale, or other liquors, now in force, enacted or appointed to be raised, levied, collected, and paid, during the remainder of the said term of sixteen years therein granted, and that so much of the said act of the fifth year of their late Majesties reign, as concerns only the said duties of excise, and of the said other laws of excise relating thereunto, as are now in force for the raising, levying, collecting, and answering the said duties of excise granted in the fifth year of their late Majesties reign, shall be continued, and revived, and be practised, put in execution, and observed, in and for the raising, levying, collecting, and answering the said duties of excise, by this act granted, for and during the said term of ninety five years, and all arrearages thereof, for the purposes in this act expressed, as fully and effectually as if the same were particularly and at large re-enacted in the body of this present act.

5 & 6 W. & M. c. 7.

For payment of the annuities,

XVII. And to the intent that a good, sure, and lasting security and fund may be settled and established, for the constant payment of all the annuities to be purchased upon this act; be it further enacted by the authority aforesaid, That all the monies arising from time to time, by or for the said subsidies of tonnage and poundage upon wines, goods, and merchandizes by this act granted, and by or for the said several and respective duties and impositions by this act continued, for or upon coals, culm, and cynders, and by or for the said several duties of excise upon beer, ale, and other liquors, or by or for any other duties by this act granted or continued, and every of them (the necessary charges of managing, raising, levying, collecting, answering, paying, and accounting for the said several subsidies, rates, impositions, and other duties only excepted) shall, from time to time, from the respective commencements of the said subsidies, rates, impositions, and other payments respectively, and for and during the several terms or times therein severally granted or intended to be granted by this act, be brought and paid by the respective commissioners, receivers general, or such persons as for the time being shall have the receipt thereof, as the same shall be raised (who are hereby required and enjoyned to bring and pay the same accordingly) into the receipt of the Exchequer, for the purposes in this act expressed, distinctly and separately from all other monies whatsoever, that are or shall be payable by them into the said receipt; and that all the monies to arise by virtue of the said act of the fifth year of their said late Majesties reign, of or for the said duties of excise thereby granted, after the said lottery annuities therein mentioned shall be

the monies arising by this act,

to be paid into the Exchequer 5 & 6 W. & M. c. 7.

be paid off, or ſufficient money ſhall be reſerved in the Exchequer for paying off the ſame, ſhall in like manner, from time to time, be brought and paid into the receipt of Exchequer, for the purpoſes in this act expreſſed, diſtinctly and apart, as aforeſaid; and the reſpective commiſſioners and receivers general of the ſaid ſeveral impoſitions, rates, ſubſidies, and other duties hereby required to be paid into the receipt of Exchequer, as aforeſaid, ſhall make or cauſe to be made the payments thereof into the ſaid receipt of Exchequer, according to the true meaning of this act, weekly; to wit, on *Wedneſday* in every week, if it be not an holyday; and if it be, then on the next day after that is not an holyday. Weekly.

XVIII. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in the office of the auditor of the receipt of her Majeſty's Exchequer, one or more books, in which all the monies hereby appointed to be paid in weekly, as aforeſaid, and which ſhall be brought to the ſaid receipt, ſhall be entred apart and diſtinct from all other monies paid into the ſaid receipt, on any other account whatſoever. And entred apart.

XIX. And to the end all the monies by this act appropriated for payment of the annuities to be purchaſed upon this act, may be duly and certainly raiſed and brought into the receipt of Exchequer for that purpoſe; it is hereby further enacted, That from time to time, during the continuance of this act, there ſhall be continued or appointed commiſſioners, receivers general, comptrollers, collectors, and other proper officers for raiſing the ſeveral duties by this act granted, and for keeping the accounts of the ſame; and that the reſpective commiſſioners or chief managers thereof, ſhall from time to time weekly compute and aſcertain the monies of each branch of the ſaid duties hereby granted or continued, which ought to be paid into the Exchequer on every *Wedneſday*, or on the ſubſequent day, not being an holiday, as aforeſaid; and that all commiſſioners, receivers general, comptrollers, collectors, and other officers, who are or ſhall be concerned in the managing, raiſing, levying, receiving, collecting, or paying the ſame, or in keeping the accounts thereof, ſhall perform their ſeveral and reſpective duties therein, as to them reſpectively ſhall appertain, under ſuch and the like penalties, forfeitures, and diſabilities, for any offence or neglect therein, or for detaining, diverting, or miſapplying any part of the ſaid monies, as are preſcribed, and to be inflicted by virtue of an act of parliament made and paſſed in the ninth year of the reign of his ſaid late Majeſty King *William* the Third, (intituled, *An act for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds* per centum per annum, *and for ſettling the trade to the* Eaſt Indies) for the like offence or neglect in relation to the duties upon ſalt, and upon ſtampt vellum, parchment, and paper, thereby granted, or for detaining, diverting, or miſapplying any part of the monies which were granted by the act laſt mentioned. Officers to be appointed for raiſing the duties. Penalties on neglect. 9 & 10 W. 3. c. 44.

The monies arising by this act, to be the general fund, &c. and not to be diverted, under penalty.

XX. And it is hereby enacted and declared by the authority aforesaid, That all the monies arising of or for the said several subsidies of tonnage and poundage, and of or for the said duties of coals, culm, and cynders, and the said several rates and duties of excise by this act appointed to be paid into the receipt of the Exchequer, from time to time, as aforesaid, together with the sum of two hundred and eighty thousand pounds, (part of the contribution-monies to be reserved and applied as is herein after mentioned) or so much of the said subsidies, rates, impositions, duties, and contribution-money, as shall be sufficient for answering the full and due payment of all the annuities to be purchased upon this act, from time to time, according to the true meaning thereof, is, are, and shall be the general fund for payment of the same, and shall be charged therewith, and liable thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed.

Sum to be raised.

XXI. And for the raising any sum and sums of money, not exceeding in the whole the sum of two millions eight hundred fifty five thousand seven hundred sixty one pounds, sixteen shillings, and two pence, (that is to say) two millions five hundred seventy five thousand seven hundred sixty one pounds, sixteen shillings, and two pence thereof, for carrying on the present war, and other her Majesty's occasions, and two hundred and eighty thousand pounds, residue thereof, to be applied, together with the produce of the said subsidy of tonnage and poundage, for or towards the making good or compleating the quarterly payments herein after mentioned, to incur and grow due on and before the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money not exceeding in the whole, the said sum of two millions eight hundred fifty five thousand seven hundred sixty one pounds, sixteen shillings, and two pence, for purchasing any annuity or annuities, to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and six, at the rate of fifteen years and an half's purchase, which rate doth amount to the sum of one hundred fifty five pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate or consideration-money is hereby appointed to be paid into the said receipt, at or before the respective days and times herein after-mentioned, (that is to say) one fourth part thereof, on or before the first day of *May*, in the year of our Lord one thousand seven hundred and six; one other fourth part thereof, on or before

How applied.

Any persons may advance the said sum,

for purchasing annuities for ninety nine years, from the twenty fifth of March 1706, at fifteen years and an half purchase, 155l. for 10l. per annum.

Purchase-money how paid.

fore the first day of *July*, in the year of our Lord one thousand seven hundred and six; one other fourth part thereof, on or before the one and thirtieth day of *August*, in the year of our Lord one thousand seven hundred and six; and the remaining fourth part thereof, on or before the first day of *November*, in the year of our Lord one thousand seven hundred and six: all which annuities so to be purchased, shall not exceed in the whole, the sum of one hundred eighty four thousand two hundred forty two pounds, fourteen shillings *per annum*, and shall be paid and payable at the four most usual feasts, or days of payment in the year; (that is to say) the feasts of the nativity of Saint *John* Baptist, Saint *Michael* the archangel, the birth of our Lord Christ, and the annunciation of the blessed virgin *Mary*, by even and equal portions; the first payment thereof to be made at the feast of the nativity of Saint *John* Baptist, which shall be in the year of our Lord one thousand seven hundred and six.

By 6 Geo. 1. c. 4. sect. 1. The South Sea company may take in these annuities.

Annuities not to exceed 184242l. 14s. per annum.

Times of payment.

XXII. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer severally, there shall be provided and kept a book or books, in which there shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid, and the times when the same are respectively paid; to which book it shall be lawful for the respective contributors, their executors, administrators, and assigns, from time to time, and at all seasonable times, to have resort, and to inspect the same without fee or reward.

Contributors names to be entred, &c.

and also the sums paid.

XXIII. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be purchased upon, or in pursuance of this present act, shall be, and are hereby charged upon, and shall be paid and payable from time to time in the first place, and with preference to all other payments whatsoever, out of the monies arising from time to time, of and for the said several subsidies of tonnage and poundage, impositions upon coals, culm, and cynders, and the said several rates and duties of excise, and all and every other duty and duties, sum and sums of money whatsoever, by this act appointed to be brought and paid into the receipt of Exchequer, as aforesaid, and every of them, and also out of the said sum not exceeding two hundred and eighty thousand pounds by this act allowed to be contributed for or towards the making good or compleating the quarterly payments for the first two years, as aforesaid, and so much of the said several subsidies, duties, impositions, rates, sum and sums of money so appointed by this act, to be brought or paid into the Exchequer, and so much of the said sum not exceeding two hundred and eighty thousand pounds, allowed by this act to be contributed for this purpose, as aforesaid, as are and shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, according to the purport and true meaning of the same, are and shall be, by virtue of this act, appropriated and applied, to and for the

The annuities how charged.

ſatisfying and diſcharging of the ſame annuities accordingly, and ſhall be iſſued, diſpoſed, and applied to that uſe, and to no other uſe, intent, or purpoſe whatſoever; any thing in this or any other act of parliament contained, or any other matter or thing whatſoever to the contrary notwithſtanding.

Overplus-monies, if any, diſpoſeable by parliament.

XXIV. Provided always, That if at the end of the ſaid firſt two years of the ſaid term of ninety nine years, there ſhall be an overplus remaining in the receipt of the Exchequer of the ſaid duties and contribution-monies, or any of them, by this act appointed for the payment of the ſaid annuities, which ſhall be more than what ſhall have been ſufficient to diſcharge all the quarterly payments of the ſaid annuities, until, and for the quarter to end at *Lady-day*, one thouſand ſeven hundred and eight; or if at the end of any ſubſequent year of the ſaid term of ninety nine years, the monies brought into the Exchequer within ſuch year of the ſaid ſeveral ſubſidies, impoſitions, rates, duties, and monies by this act appropriated for payment of the ſaid annuities, purſuant to this act, ſhall exceed all the monies then due for or upon the ſaid annuities, and all arrearages thereof, then or at any time or times before that time incurred, ſo that there ſhall be an overplus remaining in the Exchequer, ſuch overplus-monies ſhall be diſpoſable from time to time for the publick uſe and ſervice by authority of parliament, and not otherwiſe; any thing herein contained to the contrary notwithſtanding.

Contributors to have ſure eſtates in the annuities purchaſed by them free from taxes.

XXV. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, duly paying the conſideration or purchaſe-money at the rate aforeſaid, at or before the reſpective days and times in this act limited in that behalf, for any ſuch annuity or annuities, as aforeſaid, or ſuch as he, ſhe or they ſhall appoint, his, her, or their reſpective executors, adminiſtrators, ſucceſſors, and aſſigns, ſhall have, receive, and enjoy, and be entitled, by virtue of this act, to have, receive, and enjoy the reſpective annuity and annuities ſo to be purchaſed out of the monies by this act appropriated or appointed for the payment thereof during the ſaid whole term of ninety nine years, as is above-mentioned; and that all and every ſuch purchaſers, their executors, adminiſtrators, and aſſigns reſpectively, ſhall have good and ſure eſtates and intereſts in the ſeveral annuities ſo by them to be purchaſed, according to the tenor and true meaning of this act; and that all the ſaid annuities to be purchaſed upon this act, and every of them, during the term aforeſaid, ſhall be free from all taxes, charges, and impoſitions whatſoever.

And to have tallies, &c.

XXVI. And be it further enacted by the authority aforeſaid, That every contributor upon this act for any annuity or annuities, as aforeſaid, his, her, or their executors, adminiſtrators, or aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, at the rate aforeſaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, ſhall immediately have one or more tally or tallies levied,

levied, importing the receipt of ſo much conſideration-money as ſhall be ſo paid, and upon payment of all the purchaſe-money for any ſuch annuity or annuities at the rate aforeſaid, every ſuch contributor, his or her executors, adminiſtrators, or aſſigns reſpectively, ſhall have an order for paying of the ſaid annuity and annuities, for and during the ſaid term of ninety nine years; which order ſhall be ſigned by the treaſurer and under treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, and after the ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any treaſurer or under treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office, or offices of them, or any of them; nor ſhall any lord high treaſurer of *England*, treaſurer of the Exchequer, or any commiſſioners of the treaſury now or for the time being, have power to revoke, countermand or make void ſuch orders ſo ſigned, as aforeſaid, or any of them.

and orders for payment

No lord treaſurer, &c. to revoke the ſame.

XXVII. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the ſums by them intended to be advanced upon this act, it is provided and enacted by the authority aforeſaid, That every ſuch contributor who ſhall advance and pay into the ſaid receipt of Exchequer, all or any part of the purchaſe-money payable for any ſuch annuity or annuities, as aforeſaid, before the ſaid firſt day of *May*, in the year of our Lord one thouſand ſeven hundred and ſix, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be allowed and paid out of the contribution-money ariſing by this act, intereſt after the rate of ſix pounds *per centum per annum*, for the prompt payment of the money ſo advanced, from the time of the actual advancing and paying the ſame, until the ſaid firſt day of *May*, one thouſand ſeven hundred and ſix.

6l. per cent. allowed for prompt payment, to 1 May, 1706.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for any contributor or contributors, his, her, or their executors, adminiſtrators, or aſſigns, at any time or times, during the continuance of his, her, or their term, eſtate, or intereſt of and in any annuity to be purchaſed upon this act, by any writing under hand and ſeal, or by his or her laſt will in writing, to aſſign or deviſe ſuch annuity, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*, and no ſuch aſſignment to be revocable, ſo as an entry or memorandum of ſuch aſſignment or will be made in books to be kept for that purpoſe in the ſaid office of the auditor of the receipt, within the ſpace of three months after ſuch aſſignment or death of the deviſor, and that upon producing ſuch aſſignment or will, or probat thereof in the ſaid office of receipt, to be entred, as aforeſaid, the party ſo producing the ſame, ſhall bring therewith an affidavit taken before one or more

Annuities aſſignable,

and entry to be made, &c.

of her Majeſty's juſtices of the peace of the due execution of the ſaid aſſignment or will; which affidavit ſhall be ſeverally filed in the ſaid office, which ſaid entry or memorandum, the proper officers in the ſaid receipt of Exchequer, are hereby required to make accordingly, and to file the ſaid affidavits; and in default of ſuch aſſignment or deviſe by deed or will, the intereſt of ſuch contributor ſhall go to his or her executors or adminiſtrators.

Affidavits to be filed.

In default of deviſe, intereſt to go to executors, &c.

XXIX. And it is hereby enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe and benefit of ſuch infant, to advance and pay the ſum of one hundred fifty five pounds of the money of ſuch infant, to purchaſe an annuity upon this act, for the benefit of ſuch infant, and the ſaid guardian or truſtee, as to the ſaid ſum of one hundred fifty five pounds, ſo advanced, is hereby diſcharged.

Guardians may purchaſe for infants, &c.

XXX. And be it further enacted, for the better encouragement of perſons to advance the monies on this act, That all receipts and iſſues, and all other things directed by this act to be performed in the Exchequer, ſhall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the ſame; and in caſe any of the officers of the Exchequer, ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the monies of the ſaid duties, or monies hereby appropriated, or any part thereof, which ſhould make good the payment of the ſaid annuities, or ſhall pay or iſſue out the ſame otherwiſe than according to the intent of this act, or ſhall not keep books and regiſters, and make entries, and do and perform all other things, which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for the future uncapable of any office or place of truſt, and ſhall anſwer and pay treble damages, with coſts of ſuit, to every contributor or perſon who ſhall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of reſtraint, or more than one imparlance ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery, ſhall have his full coſts; one third part of which ſum to be recovered for damages, ſhall be to the uſe of her Majeſty, her heirs and ſucceſſors; and the other two third parts, with the coſts, ſhall be to the uſe of the proſecutor; and in caſe there ſhall be any colluſion, or faint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators, or aſſigns, to bring another action, wherein he or ſhe ſhall recover, as aforeſaid, to the like uſes, as aforeſaid.

Exchequer officers to take no fee, on penalty, &c.

Plaintiff to have full coſts.

In caſe of colluſion, any other contributor may bring an action.

XXXI. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe

No purchaſe, unleſs one fourth be

chaſe or obtain any annuity whatſoever upon this act, unleſs the whole, or one fourth part at leaſt of the conſideration-money for the ſame, at ſuch rate, as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer, on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and ſix. paid by 1 May, 1706.

XXXII. Provided alſo, That in caſe any ſuch contributor, as aforeſaid, who ſhall on or before the ſaid firſt day of *May*, one thouſand ſeven hundred and ſix, have advanced one fourth part of his or her purchaſe-money, or his or her executors, adminiſtrators, or aſſigns, do not advance and pay into the receipt of the Exchequer, one other fourth part of his or her conſideration-money ſo to be paid for ſuch reſpective annuity or annuities, as aforeſaid, on or before the ſaid firſt day of *July*, in the year of our Lord one thouſand ſeven hundred and ſix; and one other fourth part thereof, on or before the ſaid one and thirtieth day of *Auguſt*, one thouſand ſeven hundred and ſix; and the remaining fourth part thereof, on or before the ſaid firſt day of *November*, in the year of our Lord one thouſand ſeven hundred and ſix; then and in every ſuch caſe reſpectively, no order ſhall be drawn or ſigned for ſuch reſpective annuity, for which the conſideration-money ſhall not be fully paid, as aforeſaid; but ſo much of the conſideration-money as ſhall have been actually paid into the receipt of the Exchequer for ſuch reſpective annuity, ſhall be forfeited to her Majeſty, her heirs and ſucceſſors, and be applied, together with other the monies to be raiſed by this act, for ſuch publick ſervices, as aforeſaid; any thing in this act contained to the contrary notwithſtanding. One fourth advanced, and the reſt not paid as limited, forfeited.

XXXIII. Provided alſo, and it is hereby enacted, That it ſhall and may be lawful to and for the lord treaſurer, or commiſſioners of the treaſury, or any three or more of the ſaid commiſſioners of the treaſury for the time being, out of any the monies of the ſaid weekly payments hereby appointed to be paid into the Exchequer, as aforeſaid, to reward the officers, clerks, and others, to be employed in the payment of the ſaid annuities, or the accounts thereof, for their labour, pains, charges, and ſervice therein reſpectively, and to defray all other the neceſſary charges incident to the payment of the ſaid annuities, as to the ſaid lord treaſurer, or commiſſioners of the treaſury for the time being, ſhall ſeem meet and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding. Officers clerks, &c. how to be paid.

XXXIV. Provided always, and be it enacted by the authority aforeſaid, That all ſtrong waters, brandy, *Aqua vitæ*, or ſpirits, brought from the iſlands of *Guernſey*, *Jerſey*, *Sark*, or *Alderney*, ſhall continue to be charged with the duty of eight ſhillings for every gallon, and no more, to be paid to the collector or officer of exciſe before landing; and that all other exciſeable liquors brought from the ſaid iſlands, or any of them (except beer, ale, and mum) ſhall be charged and chargeable with ſuch and the like duties, as are or ſhall from time to time be charged or chargeable on the like liquors made in this kingdom, to be entered Brandy, &c. brought from Guernſey, Jerſey, Sark, or Alderney, how charged. (Except beer, ale, and mum)

tred and paid, as aforesaid; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Merchants bonds for customs, payable before the sixth of February, 1705, and remain yet unsatisfied;

XXXV. *And whereas several bonds, pursuant to several acts of parliament in that behalf have been entered into by several merchants and others for the customs, additional duties, impositions, and other duties of goods and merchandizes imported into the kingdom of* England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *upon which bonds the whole monies or part of the monies specified in the conditions of the same respectively, have, according to such conditions, incurred or become payable at several days or times of payment, before the sixth day of* February, *in the year of our Lord one thousand seven hundred and five, and do remain unsatisfied, or such bonds are not delivered up*; be it enacted by the authority aforesaid, That in all and every case and cases where the obligors in such bonds (being principals or sureties) their heirs, executors, or administrators, or any of them, have paid or shall have paid, before the first day of *June*, one thousand seven hundred and six, to the proper officer or officers, the principal monies so incurred or grown due before the said sixth day of *February*, one thousand seven hundred and five, such payment shall be of the same force and effect, as if the same had been made at or before the respective day or days in such condition or conditions mentioned for payment thereof; and in all cases where the whole principal monies, due or to be due by the conditions of such bonds as are before-mentioned, are or shall be paid by the said first day of *June*, one thousand seven hundred and six, such bond and bonds respectively shall upon demand be delivered up to the party or parties who hath or shall have so paid the same, his, her, or their executors or administrators, without any further or other demand whatsoever; nevertheless it is hereby declared, That in case any of the bonds before-mentioned, shall not be satisfied within the time by this act limited, as aforesaid, or in case any payment to incur or grow due after the said sixth day of *February*, one thousand seven hundred and five, by the condition of any bond taken or to be taken for the customs, additional duties, impositions, or other duties of any goods or merchandizes imported, or hereafter to be imported, as aforesaid, shall not be duly paid, according to condition of every such bond respectively. In all and every such case and cases, the penalty of every such bond shall not be discharged, either in law or equity, without the full payment of the principal monies, together with interest, after the rate of six pounds *per centum per annum*, to be reckoned from the day on which such principal monies become due, until the actual payment thereof, besides costs of suit, unless the lord treasurer, or any three or more of the commissioners of the treasury for the time being, upon any representation of the commissioners of the customs for the time being, or any three or more of them, shall judge it reasonable, in any particular case or cases, to remit the said interest and costs, or any part thereof; this act, or any other law or statute whatsoever to the contrary notwithstanding.

In case principal money be paid by 1 June, 1706, such bonds to be delivered up.

If not paid, to be in force.

Bristol merchants provided for by 5 Annæ, c. 29. s. 18.

Lord treasurer, &c. may remit interest, &c.

XXXVI. Pro-

XXXVI. Provided always, That this act, or any thing therein contained, shall not extend to discharge the interest upon any bond or bonds, entred into for the duties of any goods or merchandises imported by any corporation or company of merchants trading by any charter upon a joint stock; any thing herein to the contrary notwithstanding. Bonds for companies duties, not to be discharged.

CAP. VII.

An act for making the town of New Ross, *in the county of* Wexford *in the kingdom of* Ireland, *a port for the exporting wool from* Ireland *into this kingdom.*

WHEREAS *by an act passed in this kingdom in the tenth and eleventh years of the reign of his late majesty King* William, *the Third, intituled,* An act to prevent the exportation of wool out of the kingdoms of *Ireland* and *England* into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of *England*, *it is, amongst other things, enacted, That all the wool and the manufactures thereof, in the said act particularly specified, as should, from time to time be exported from the said kingdom of* Ireland *into the ports of this kingdom or dominion of* Wales, *should be shipped off, and entred at the ports of* Dublin, Waterford, Youghall, Kingsale, Cork, *and* Drogheda *in the said kingdom of* Ireland, *and at or from no other port or place within the said kingdom, under great penalties to every offender against the said act: and whereas the town of* New Ross, *in the county of* Wexford *in the said kingdom of* Ireland, *is in the same harbour with the port of the city of* Waterford, *and before the passing of the said act hath always had liberty to export the said commodities directly into this kingdom; but the said town not being particularly named in the said act, some doubt hath arisen whether the said commodities may be exported thence:* 10 & 11 W. 3. c. 10.

therefore to prevent all doubt for the future concerning the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That at all times from and after the four and twentieth day of *June*, one thousand seven hundred and six, it shall and may be lawful to and for all and every person and persons whomsoever, to ship off, enter, and export, from the said town of *New Ross*, all the said commodities in the said recited act particularly mentioned, and to import the same into any of the ports of *Biddeford*, *Barnstable*, *Minhead*, *Bridgwater*, *Bristol*, *Milford Haven*, *Chester*, and *Leverpoole*, in the same manner, as if the said town of *Ross* had been particularly named for exportation of the said commodities in the said former act; any law or statute to the contrary thereof in any wise notwithstanding. Town of New Ross made a port for exporting wool from Ireland.

CAP. VIII.

An act for the better security of her Majesty's person and government, and of the succession to the crown of England in the protestant line. 1 W. & M. sess. 2. c. 2.

Persons who by writing, &c. shall declare, &c. that the Queen is not lawful Queen, or that the pretended prince of Wales hath any right to the crown, 12 & 13 W. 3. c. 2.

16 R. 2. c. 5. 6 & 7 W. 3. c. 2. 6 Ann. c. 7. & 1 Geo. 2. ſtat. 1. c. 5. & ſtat. 2. c. 23. 1 W. & M. ſ. 1. c. 8. 1 Ann. ſtat. 1. c. 22. 12 & 13 W. 3. c. 2.

crown, &c. guilty of high treaſon. Perſons who by preaching, &c. ſhall declare and affirm the Queen not lawful Queen, &c. to incur the penalty of *præmunire*. Parliament not diſſolved by the Queen's death, but to continue for ſix months after, &c. Parliament to meet immediately after the Queen's death. In caſe of no parliament, the laſt preceding to meet. Not to abridge the Queen's power to prorogue or diſſolve parliaments, &c. Privy council not to be diſſolved by the Queen's death; nor the places of the great officers; nor any officers civil or military; but continue for ſix months, &c. The great ſeal &c. to be uſed. Upon Queen's death, privy council to cauſe the next proteſtant ſucceſſor to be proclaimed, on penalty of high treaſon. In caſe the ſucceſſor be out of the realm, at the Queen's death, ſeven lords juſtices appointed. The ſucceſſor by three inſtruments, may add ſeven others. The three inſtruments to be tranſmitted into England, and to be ſeverally ſealed up, and depoſited, &c. Perſons opening any of the ſaid inſtruments, &c. guilty of a *præmunire*. Any one of the inſtruments produced to privy council, to be effectual. Lords juſtices not to diſſolve the parliament without direction, &c. Nor alter the act 13 & 14 Car. 2. c. 4. on penalty of high treaſon. Lords juſtices before they act to take the oaths, &c. and alſo all perſons in offices, &c. Lords juſtices to be deemed as officers in truſt. The ſucceſſor may uſe any ſeal before her or his arrival in England. Parliament called by lords juſtices, not to be diſſolved by arrival of ſucceſſor.

XXIV. *And whereas in and by the ſaid act of parliament made in the twelfth year of the reign of his late majeſty King* William *the Third, of glorious memory, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject; *it was amongſt other things enacted, in the words following, That from and after the time that the further limitation by this act ſhall take effect, all matters and things relating to the well government of this kingdom, which are properly cognizable in the privy council by the laws and cuſtoms of this realm, ſhall be tranſacted there, and all reſolutions taken thereupon, ſhall be ſigned by ſuch of the privy council as ſhall adviſe and conſent to the ſame*; be it enacted by the authority aforeſaid, That the ſaid recited clauſe ſhall be, and the ſame is hereby annulled and repealed, as if the ſame act had never been made.

Clauſes repealed.

XXV. *And whereas alſo in the ſaid act it was amongſt other things enacted in the words following, That no perſon who has an office or place of profit under the King, or receives a penſion from the crown, ſhall be capable of ſerving as a member of the houſe of commons; and it appearing reaſonable that the ſaid recited clauſe ſhould be repealed:* be it therefore enacted by the authority aforeſaid, That the ſaid laſt recited clauſe ſhall be, and is hereby annulled and repealed, as if the ſame act had never been made.

Perſons in new offices diſabled from being elected members of the houſe of commons. Members accepting of any office of profit, their election void. But may be again elected. No office to be executed by too great a number of commiſſioners. Not to extend to officers in the navy or army. Perſons diſabled, and returned as members, ſuch election and return to be void. Penalty on ſitting. *This ſtatute is re-enacted* 6 Annæ, c. 7. *and therefore is omitted here.*

CAP. IX.

An act for repairing the highways between Barnhill and Hatton Heath in the county of Cheſter. EXP.

CAP.

CAP. X.

An act for the better recruiting her Majesty's army and marines. EXP.

CAP. XI.

An act for continuing an act made in the session held in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.* EXP.

CAP. XII.

An act for laying further duties on low wines, and for preventing the damage to her Majesty's revenue by importation of foreign cut whalebone, and for making some provisions as to the stamp duties, and the duties on births, burials, and marriages, and the salt duties, and touching million lottery tickets, and for enabling her Majesty to dispose the effects of William Kidd, *a notorious pirate, to the use of* Greenwich Hospital, *and for appropriating the publick monies granted in this session of parliament.*

MAY *it please your most excellent Majesty, whereas by an act of parliament made in the twelfth year of the reign of your Majesty's late royal brother King* William *the Third, of glorious memory,* (*intituled,* An act for granting to his Majesty several duties upon low wines, or spirits of the first extraction, and continuing several additional duties upon coffee, tea, chocolate, spices, and pictures, and certain impositions upon hawkers, pedlars, and petty chapmen, and the duty of fifteen *per centum* upon muslins, and for improving the duties upon japanned and lacquered goods, and for continuing the coinage duty, for the several terms and purposes therein mentioned) *certain duties upon low wines, or spirits of the first extraction, were granted for a term to continue until the five and twentieth day of* March, *one thousand seven hundred and six; and by another act made in the third year of your Majesty's reign,* (*intituled,* An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoes, *China* ware and drugs) *the said duties upon low wines, or spirits of the first extraction, are continued from the twenty fourth day of* March, *one thousand seven hundred and six, until the twenty fourth day of* June, *one thousand seven hundred and ten, as by the said several acts may appear:* now we your Majesty's dutiful and loyal subjects, the commons of *England* in parliament assembled, have given and granted, and do by this act give and grant to your Majesty the several duties herein after mentioned, over and above all duties already granted upon low wines or spirits of the first extraction; and do humbly beseech your Majesty that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

12 & 13 W. 3. c. 11.

3 & 4 Ann. c. 4.

Duties on low wines, &c. continued.

mons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every ſuch or the like duties for or upon all low wines or ſpirits of the firſt extraction, as by the ſaid act of the ſaid twelfth year of his ſaid late Majeſty's reign were continued or granted until the ſaid twenty-fifth day of *March*, one thouſand ſeven hundred and ſix, ſhall by virtue of this act be continued from the four and twentieth day of *March*, one thouſand ſeven hundred and five, until the five and twentieth day of *March*, one thouſand ſeven hundred and ſeven.

12 & 13 W. 3. c. 11. Former duties continued to 25 March, 1707.

II. And be it further enacted by the authority aforeſaid, That for every gallon of low wines, or ſpirits of the firſt extraction, which at any time or times, during the term of five years, to commence from the ſaid four and twentieth day of *March*, one thouſand ſeven hundred and five, ſhall be made or drawn from any foreign or imported materials, or any mixture with foreign materials, there ſhall be paid and payable to her Majeſty, her heirs and ſucceſſors, over and above all other duties charged or chargeable thereupon, by this or any other act or acts of parliament, the ſum of two pence, to be paid by the diſtillers or makers thereof.

From 24 of March, 1705. Low wines, &c. to pay 2d. per gallon. *Farther continued for 96 years by* 5 Ann. c. 19. *and made perpetual by* 1 Geo. 1. ſtat. 2. c. 12. ſect. 8. *and part of the* aggregate fund.

III. And it is hereby enacted, That all the reſpective duties on low wines, or ſpirits of the firſt extraction, by this act granted or continued, ſhall, during the continuance of the ſame reſpectively, be aſcertained, ſecured, raiſed, levied, recovered, and paid, by ſuch rules and methods, and under ſuch penalties and forfeitures, and ſubject to ſuch drawbacks and allowances, and under ſuch power of mitigation, as the duties upon the like commodities by the ſaid act of the third year of her Majeſty's reign, or any law relating thereunto, are enacted or appointed to be aſcertained, ſecured, raiſed, levied, recovered, and paid reſpectively, and are and ſhall be appropriated and applied to and for the ſame uſes and purpoſes to which the duties upon low wines by the ſaid act of the third year of her Majeſty's reign are appropriated, and ought to be applied.

Duties, &c. how to be raiſed.

3 & 4 Ann. c. 4.

IV. *And whereas it is found by experience, That any quantity of waſh made of drink brewed or made from malted corn, or from unmalted corn, will upon diſtillation produce one fourth part of the ſame quantity into low wines, or ſpirits of the firſt extraction, and that ſuch low wines or ſpirits upon the ſecond diſtillation will produce three fifth parts of the quantity of the ſame low wines or ſpirits into proof ſpirits, or ſpirits of the ſecond extraction; and that any quantity of waſh made of cyder or perry will produce one fifth part of the ſame quantity into low wines or ſpirits of the firſt extraction; and that the ſame low wines or ſpirits, upon the ſecond diſtillation, will produce one half part of the quantity of the ſame low wines or ſpirits into proof ſpirits, or ſpirits of the ſecond extraction: and whereas many diſtillers do hide and conceal great quantities of ſuch low wines and ſpirits from the ſight and view of the gager, before he can come to take an account of the ſame, by means whereof her Majeſty may be very much defrauded in her duties*

Diſtillers concealing ſpirits, &c. from the view of the gager.

duties on ſuch low wines and proof ſpirits, granted by this or any other act or acts of parliament for the duties on low wines and ſpirits; be it therefore enacted by the authority aforeſaid, That from and after the four and twentieth day of *March*, one thouſand ſeven hundred and five, it ſhall and may be lawful to and for the gaugers and officers of exciſe, to keep an account of all the ſaid ſeveral ſorts of waſh, which ſhall from time to time, be found by him or them in the hands of any diſtiller, and upon any decreaſe of ſuch waſh brewed or made from malted corn, or corn unmalted, to charge ſuch diſtiller with ſo much low wines or ſpirits of the firſt extraction, as one fourth part of the ſame waſh ſo decreaſed ſhall amount unto, and alſo with ſo much proof ſpirits, or ſpirits of the ſecond extraction, as three fifth parts of the ſaid low wines ſo charged, as aforeſaid, ſhall amount unto; and alſo upon any decreaſe of waſh made from cyder or perry, to charge ſuch diſtiller upon whom ſuch decreaſe ſhall be found, with ſo much low wines or ſpirits of the firſt extraction, as one fifth part of the ſame waſh ſo decreaſed ſhall amount unto; and likewiſe with ſo much proof ſpirits, or ſpirits of the ſecond extraction, as one half part of the ſame low wines or ſpirits of the ſecond extraction ſhall amount unto; and ſuch diſtillers ſhall pay the duties of the low wines and ſpirits ſo charged, as by the acts relating to the ſaid duties on low wines and ſpirits, or any of them, are directed and appointed.

Gaugers to keep an account of waſh, &c.

On decreaſe of waſh, &c. diſtiller to pay the duty, &c.

V. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to take away or leſſen any of the powers or authorities heretofore given to any of the officers of exciſe by any law or laws now in force, touching or concerning the ſaid duties on low wines and ſpirits.

Act not to leſſen the power of officers of the exciſe.

VI. *And whereas, by an act of parliament made in the ninth year of the reign of his late Majeſty, King* William *the Third, (intituled,* An act for granting to his Majeſty a further ſubſidy of tonnage and poundage, towards raiſing the yearly ſum of ſeven hundred thouſand pounds for the ſervice of his Majeſty's houſhold, and other uſes therein mentioned, during his Majeſty's life) *it is enacted, That if any perſon or perſons, natives or foreigners, bodies politick or corporate, ſhall import or bring into this kingdom, dominion of* Wales, *or town of* Berwick *upon* Tweed, *any cut whalebone (other than in fins only) he, ſhe, or they ſhall forfeit the goods, and double the value of the cut whalebone ſo imported; one moiety thereof to his Majeſty, his heirs and ſucceſſors, and one other moiety to him or them that ſhall ſeize or ſue for the ſame, in any of his Majeſty's courts of record; yet it is found by practice and experience, that the ſaid penalty is not ſufficient to deter ill-deſigning perſons from continuing fraudulently to import great quantities of foreign cut whalebone in ſhort lengths and ſmall parcels, in diminution of her Majeſty's revenue, and to the great loſs and diſcouragement of the manufactures imployed in cutting of fin whalebone in this kingdom*; be it enacted by the authority aforeſaid, That from and after the ſaid four and twentieth day of *March*, one thouſand ſeven hundred and five, any perſon or perſons whatſoever, trading or dealing

9 & 10 W. 3. c. 23.

Perſons having cut whalebone (other than in fins only) found in

their cuſtody after the 24th day of March, 1705, to forfeit 50l.

dealing in whalebone, having in his, her, or their cuſtody, any ſuch foreign cut whalebone, (other than in fins regularly imported) ſhall forfeit the ſum of thirty pounds, and alſo be ſubject to the like penalties and forfeitures as the importers thereof, by the aforeſaid recited act are liable unto; and alſo that the maſters of ſuch ſhips and veſſels, knowingly bringing or importing any foreign cut whale-fins or whalebone, as aforeſaid, ſhall forfeit the ſum of fifty pounds; one moiety of the aforeſaid penalties to her Majeſty, her heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſeize and ſue for the ſame, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed; and if any diſpute, queſtion or doubt ſhall ariſe, whether any cut whalebone found, ſeized, or received, as aforeſaid, were cut in parts beyond the ſeas, the proof ſhall be incumbent only upon the importer, claimer, owner, proprietor, or ſuch perſon or perſons, in whoſe hands or cuſtody ſuch cut whale bone ſhall be found reſpectively, and not upon the ſeizer, informer, or proſecutor; any thing to the contrary notwithſtanding.

Penalty on maſters of ſhips importing ſuch.

Proof where cut to lie on importer, &c.

Perſons who thro' miſconſtructions of the law on ſtampt paper, &c. have entred admiſſions of freedoms, &c. on paper, &c. not duly ſtampt,

VII. *And whereas ſeveral perſons have, (ſince the double duties upon ſtampt vellum, paper, and parchment commenced) been admitted to their freedoms in divers corporations, and ſuch their admiſſions have meerly by miſtake or miſconſtruction been entred upon paper or parchment ſtampt for a leſs duty than ought to have been paid for the ſame: and whereas in other caſes, ſeveral perſons freedoms have been admitted, and their admiſſion entred upon paper or parchment without any ſtamp at all, or any thing paid or received for the ſame: and whereas divers other perſons, clerks, ſtewards, or bailiffs, keeping or holding inferior courts of record, county courts, courts baron, and courts leet, have through the like miſtake or miſconſtruction of the laws as aforeſaid, omitted the iſſuing, entring, inrolling, or filing of divers actions, plaints, bails, appearances, and other proceſs and proceedings upon double ſtampt vellum, paper, or parchment*; wherefore for quieting the minds of ſo many of her Majeſty's good ſubjects; be it enacted by the authority aforeſaid, That all and every the ſaid freemen ſo admitted, and all and every the ſaid clerks, ſtewards, and bailiffs, and all other perſon and perſons ſo concerned and forfeiting, as aforeſaid, ſhall be, and they hereby are freed and diſcharged of and from all and every the pains, penalties, and forfeitures not already recovered, and by them reſpectively incurred, for or in reſpect of the premiſſes before the firſt day of *December*, one thouſand ſeven hundred and five; provided that ſuch perſon or perſons forfeiting, as aforeſaid, pay or cauſe to be paid the ſeveral duties directed to be paid, by the ſeveral acts for granting duties upon ſtampt vellum, paper and parchment, to the receiver general of the ſtampt duties, before the nine and twentieth day of *September*, one thouſand ſeven hundred and ſix; and in default thereof, ſuch perſons reſpectively ſhall loſe the benefit of the indemnity granted by this act.

diſcharged from the penalties, &c. on paying duties before the 29th of Sept. 1706.

VIII. Pro-

VIII. Provided alſo, That the admiſſions of all ſuch freemen, as were admitted into any corporation or company, before the ſaid firſt day of *December*, one thouſand ſeven hundred and five, and all the ſaid other proceedings before that time had, ſhall be good and valid in law, notwithſtanding any neglect or omiſſion before that time, with relation to the ſaid ſtampt duties; and that all penalties and forfeitures for any offence committed, as aforeſaid, which ſhall not be diſcharged by paying ſuch duties before the ſaid nine and twentieth day of *September*, one thouſand ſeven hundred and ſix, ſhall and may be ſued for, proſecuted and recovered, ſo as the proſecution be commenced at any time within one year after the ſaid nine and twentieth day day of *September*.

Freemens admiſſions, &c. good in law.

Duties not diſcharged, penalties to be ſued for,

IX. And it is hereby further enacted and declared, That the duties made payable by the ſaid acts, relating to ſtampt vellum, parchment, and paper, for or in reſpect of appearances, and other the matters in the ſaid acts, or any of them contained, relating thereto, ſhall be conſtrued to extend to appearances in ſuch actions wherein no bail is filed, or put in, and not otherwiſe; any thing in the ſaid acts contained to the contrary notwithſtanding.

How duties on appearances ſhall be conſtrued to extend.

X. *And whereas by ſeveral acts of parliament, relating to the duties on marriages, births, and burials, all perſons, vicars, curates, and other eccleſiaſtical perſons, are required to take an exact and true account, and keep a regiſter in writing of all and every perſon or perſons, married, buried, chriſtened, or born, in his or their reſpective pariſhes or precincts; and likewiſe in the ſame regiſters, together with the name of every perſon ſo married, buried, chriſtened, or born, to ſet down and expreſs in writing the reſpective degree, condition, and quality, according to which the duty to the crown ought to be paid: and in caſe of burials, the heirs, executors, adminiſtrators, fathers, mothers, guardians, church-wardens, or others, who by the ſaid acts ought to pay for the ſame, and where they dwell reſpectively: and in caſe of births, the names of the fathers, mothers, or thoſe that take on them the guardianſhip, or care of ſuch children ſo born, and where they live reſpectively: and in caſe of marriages, the place of abode of the ſeveral huſbands, under the penalty of one hundred pounds for ſome of the ſaid omiſſions, and other great penalties for the reſt; and whereas ſeveral parſons, vicars, and curates, and other eccleſiaſtical perſons, not being ſufficiently apprized of the full import of the ſaid acts of parliament, have not exactly obſerved the directions therein, as aforeſaid, given, and thereby incurred the penalties in the ſaid acts reſpectively mentioned, and they and their families remain therefore expoſed to ruin, although the ſaid duties have been duly anſwered to her Majeſty*; be it therefore enacted by the authority aforeſaid, That all and every perſon and perſons in holy orders, parſon, vicar, and curate, and his and their ſubſtitute, having neglected to keep a regiſter in writing, as aforeſaid, of all and every, or any perſon or perſons ſo married, buried, chriſtened, or born, as aforeſaid, or to ſet down and expreſs, together with the name of ſuch perſon ſo married, buried, chriſtened, or born,

Duties on marriages, births, &c. 6 & 7 W. 3. c. 6. 7&8W.3.c.35. 9 & 10 W. 3. c. 35.

Parſons, &c. who have neglected to keep a regiſter of ſuch marriages, &c. (in caſe the duties are paid) to be indemnified.

the reſpective degree, condition, or quality, according to which the ſaid late King's, or her preſent Majeſty's duties ought to be paid, or the name or place of abode of any perſon or perſons, who ought to pay the ſame, in caſe the ſaid duty for ſuch marriage, birth, or burial, be really anſwered and paid, or notified and brought in charge to the collector of the ſaid duties, ſhall be indemnified againſt, and diſcharged from all the penalties and forfeitures in the ſaid acts, or any of them contained, for or upon account of ſuch neglects only.

Frauds on ſalt, &c. 1 Annæ, ſtat. 1. c. 21.

XI. *And whereas by an act made in the firſt year of her preſent Majeſty's reign, intituled,* An act for preventing frauds in the duties upon ſalt, and for the better payment of debentures at the cuſtom houſe, *it is enacted, That no debenture ſhall be made or granted, or drawback allowed to be paid for or upon the account of the exportation of any ſalt or rock ſalt for* Ireland, *unleſs the exporter of the ſaid ſalt or rock ſalt ſhall produce to the officer appointed to make ſuch debenture, a certificate under the hand of the collector of the cuſtoms of the port in* Ireland, *where ſuch ſalt or rock ſalt ſhall be landed, or the perſon executing his office, of the particular quantity of ſalt or rock ſalt, actually landed: and whereas 'tis equally reaſonable, That for ſalt and rock ſalt ſhipt, in order for exportation for* Ireland, *though the ſame periſh by ſinking of the ſhip, or be taken by the enemies, there ſhould be made and allowed a drawback as in the caſe where ſalt and rock ſalt is exported and landed*; be it enacted by the authority aforeſaid, That where any ſalt or rock ſalt hath been or ſhall be ſhipped in order for exportation to *Ireland*, and the ſame hath periſhed or ſhall periſh by ſinking of the ſhip or veſſel on which the ſame was or ſhall be ſhipped, and laid on board, or is or ſhall be taken by the enemies, then and in ſuch caſe the exporter or proprietor of ſuch ſalt or rock ſalt ſo periſhing or loſt, ſhall upon proof made before the juſtices of the peace, at the general quarter ſeſſions of the peace, to be held for the county, city, riding, diviſion or place from whence the ſame was ſo exported, of the loſs of ſuch ſalt ſo ſhipped, or to be ſhipped, receive from the ſaid ſeſſions a certificate, that ſuch proof was made before them, and upon producing the ſaid certificate to the officer of the place where the duty on ſuch ſalt ſhall have been paid or ſecured to be paid, ſuch ſecurity ſhall be diſcharged, and ſo much money as was actually paid for the duty of the ſaid ſalt, ſhall be repaid upon demand by the ſaid officer, without fee or reward. Provided ſuch proof to be made, as aforeſaid, as to all ſalt loſt or taken, before the twentieth day of *February*, one thouſand ſeven hundred and five, ſhall be made by two credible witneſſes upon oath, before the twentieth day of *July*, one thouſand ſeven hundred and ſix; and as to all ſalt which ſhall be loſt after the ſaid twentieth day of *February*, one thouſand ſeven hundred and five, the like proof ſhall be made within ſix months after ſuch loſs or taking, as aforeſaid.

Drawbacks, &c. allowed where ſalt is loſt, or taken by the enemy.

Proof to be made within 6 months.

2 & 3 Annæ, c. 14.

XII. *And wherias in and by one act of parliament made in the ſecond and third year of the reign of her preſent Majeſty, intituled,* An

An act for the better ſecuring and regulating the duties upon ſalt, *it is amongſt other things provided, That nothing therein contained ſhould extend to prohibit the importing and landing any codfiſh, ling, or hake, which had been caught and cured at* Newfoundland *or* Iſeland, *upon making ſuch oath before the landing, of the catching and curing the ſame, and upon tender thereof upon landing, and before the ſame be removed from the ſhore, and under ſuch penalties for not tendring the ſame, to have part of the tail cut off, as in and by the ſaid act is directed and appointed: and whereas* North Sea *codfiſh, ling, and hake, are omitted in the ſaid act*; be it further enacted by the authority aforeſaid, That nothing therein contained ſhall extend to prohibit the importing and landing any codfiſh, ling, or hake, which have been or ſhall be caught and cured at or in the *North Sea*, upon making the like oath, and being ſubject to and under the ſame reſtrictions and penalties, as by the above recited act is directed and appointed for codfiſh, ling, and hake, caught and cured at *Newfoundland* or *Iſeland*, and that no allowance be granted, had or obtained upon exportation thereof; any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

North Sea codfiſh, &c. may be imported.

XIII. *And whereas in and by one act made in the fifth year of the reign of their late Majeſties King* William *and Queen* Mary, *of bleſſed memory, intituled,* An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France*, *it is (amongſt other things) enacted, That the ſum of one hundred and forty thouſand pounds ſhould be a yearly fund for anſwering the annuities therein mentioned: and whereas certain tickets were iſſued out to the proprietors of the ſaid annuities, many of which ſaid tickets are ſince burnt, loſt, or otherwiſe deſtroyed, whereby the ſaid proprietors are in danger of loſing their money contained in ſuch tickets*; be it enacted by the authority aforeſaid, That in all caſes where it ſhall happen, by affidavit to be made on or before the firſt day of *May*, one thouſand ſeven hundred and ſix, before any of the barons of the *Exchequer*, that any ticket or tickets for any payment or payments on the ſaid annuities, is or are burnt, deſtroyed, or otherwiſe loſt, it ſhall and may be lawful for the officer or officers appointed to pay and diſcharge the ſaid annuities, on producing a certificate from the ſaid baron of ſuch affidavit made before him, which affidavit the barons, or any one of them, is and are hereby authorized to take, and which certificate he or they are hereby required to grant without fee or reward, and on ſecurity given to the ſaid officer, to his good liking, to indemnify him againſt all perſons whatſoever for or concerning the monies contained or ſpecified in ſuch ticket or tickets, or which was, is, or ſhall be due thereon, he the ſaid officer is hereby required to pay and diſcharge the ſaid annuities by the ſaid tickets incurred and grown due, or which ſhall hereafter incur or grow due, as aforeſaid,

5 & 6 W. & M. c. 7.

Tickets for annuities loſt, &c.

on affidavit and certificate, &c. officer to pay the ſame.

Such payments to be allowed in his accounts.

foresaid, as if the said tickets had been produced, and shall be allowed such payments in his accounts; any thing in this or any other act contained to the contrary thereof in any wise notwithstanding.

The Queen may dispose of 6472 l. 1s. as a charity to Greenwich hospital.

XIV. And be it enacted by the authority aforesaid, That it shall and may be lawful for her Majesty, if she pleaseth, to dispose as a charity, to and for the use and benefit of the royal hospital for seamen at *Greenwich*, the sum of six thousand four hundred seventy two pounds, one shilling, which was paid into the receipt of Exchequer, on or about the one and thirtieth day of *January*, one thousand seven hundred and four, for publick uses, by *Richard Crawley* esquire receiver of the goods of pirates, and other perquisites of the admiralty, being money or the proceed of goods and merchandizes which were taken with *William Kidd* a notorious pirate, who was taken and executed several years since.

Monies, &c. how appropriated.

XV. And be it further enacted by the authority aforesaid, That all the monies which shall be lent to her Majesty on two acts of this session of parliament; the one, (intituled, *An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and six*) and the other, (intituled, *An act for continuing the duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and six*) and so much of the several taxes and duties thereby granted, as shall remain, (after all the loans made or to be made upon the said respective acts, and the interest thereof, and the charges thereby allowable for raising the taxes and duties thereby granted, shall be satisfied, or money sufficient shall be reserved to discharge the same) and all the monies to be contributed or advanced upon another act of this session of parliament, (intituled, *An act for continuing an additional subsidy of tunnage and poundage, and certain duties upon coals, culm, cynders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six*) except as therein is excepted and reserved, shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed (that is to say) for or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, tear, and other services of the navy, and the victualing thereof, performed and to be performed; and for the sea service in the office of the ordnance, performed and to be performed; and for or towards the making of a wharf and storehouse at *Portsmouth*; and for paying for stores and carriages for eight ships new built, in lieu of those lost in the great storm; and for or towards the land services performed, and to be performed, by the office of the ordnance; and to and for subsistence, off-reckonings and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and five, to her Majesty's guards and garrisons

4 Annæ, c. 2.

4 Ann. c. 5.

4 Ann. c. 6.

Charges of the navy, &c.

Land forces, &c.

riſons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the ſame; and for payment of invalids for the ſaid year, beginning from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and five; and for or towards the defraying the charges of her Majeſty's army, and ſuch forces as are or ſhall be added thereunto in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and five, and the contingent charges thereunto belonging; and for or towards the defraying her Majeſty's part of the charge of the forces acting or to act in conjunction with the forces of the King of *Portugal*, until or at any time before the five and twentieth day of *December*, one thouſand ſeven hundred and ſix; and for or towards the pay of the five thouſand land forces now in *Catalonia*, which are reſolved to be continued for the year one thouſand ſeven hundred and ſix; and for or towards her Majeſty's proportion of the further charges neceſſary to proſecute the ſucceſſes already gained by King *Charles* the Third, for recovery of the monarchy of *Spain* to the houſe of *Auſtria*; and for or towards the payment of her Majeſty's proportion of the ſubſidies due upon treaties made or to be made with her Majeſty's allies, and other charges for the ſervice of the war for any time before, or until the ſaid five and twentieth day of *December*, one thouſand ſeven hundred and ſix; and for or towards the making good the payment of her Majeſty's ſhare of the ſubſidies, payable to the King of *Pruſſia*, which was not provided for in the laſt ſeſſion of parliament; and for or towards the making good the payment of the bounty-money beſtowed by her Majeſty on the land forces that ſerved in the campaign in *Germany*, in the year one thouſand ſeven hundred and four, purſuant to the addreſs of the houſe of commons; and for making good an additional charge to the troops of *Hanover* and *Zell*, which was not provided for in the ſaid laſt ſeſſion; and for making good the charge of general officers, and contingencies in the expedition to *Spain*, which was not provided for in the ſaid laſt ſeſſion; and to anſwer the levy-money to make good the horſes of the *Engliſh* horſe and dragoons, that were killed and died of the common diſtemper in the laſt campaign in the *Low Countries*, between the firſt of *May* and the one and thirtieth day of *October*, one thouſand ſeven hundred and five; and to make good the horſes that were loſt by the officers of the *Engliſh* troops, during the laſt campaign in the *Low Countries*; and for or towards the tranſportation of land forces, performed and to be performed; and for or towards diſcharging of the premiums and other charges for circulating the bills, commonly called Exchequer bills; and for payment of intereſt after the rate of five pounds *per centum per annum*, for the unſatisfied debentures charged on the *Iriſh* forfeitures, and to no other uſes, intents, and purpoſes whatſoever.

Forces in Portugal.

Catalonia.

Treaties.

Pruſſia.

Bounty money.

Troops of Hanover and Zell, &c.

To make good horſes killed, &c.

Tranſports, &c.

87125l. 10s. for the marines, &c.

XVI. Provided always, That out of the monies to be iſſued to the guards and garriſons, as aforeſaid, there ſhall and may be taken and applied any ſum, not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, towards the charge of maintaining the ſoldiers raiſed, and to be raiſed, for ſea ſervice, with their officers, and the contingent charges thereunto belonging, and out of the monies to be iſſued for the ſervice of the navy and ſea ſervices, as aforeſaid, there ſhall be taken and applied ſuch ſums, as together with the ſaid ſum, not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, ſhall be neceſſary for the charge of maintaining the ſaid ſoldiers for ſea ſervice, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithſtanding.

CAP. XIII.

An act for the better ordering and governing the watermen and lightermen upon the river of Thames.

1 Jac. 1. c. 16.

WHEREAS *by an act of parliament made in the firſt year of the reign of the late King* James *the Firſt, intituled,* An act concerning wherrymen and watermen, *it is (amongſt other things) enacted, That no wherryman or waterman ſhall take any apprentice, unleſs he ſhall be then of the age of eighteen years at the leaſt, except the ſon of a waterman, who by the ſaid act may be taken apprentice at the age of ſixteen years: and whereas by one other act of parliament made in the eleventh and twelfth years of the reign of his late Majeſty King* William *the Third, intituled,* An act for the explanation and better execution of former acts made touching watermen and wherrymen rowing on the river of *Thames*, and for the better ordering and governing the ſaid watermen, wherrymen, and lightermen, upon the ſaid river between *Graveſend* and *Windſor*, *the ſaid watermen, wherrymen and lightermen are impowered to make reaſonable and lawful rules, orders, and conſtitutions, for their government, in ſuch manner as in the ſame act is mentioned: and whereas ſeveral of the rules, orders, and conſtitutions which have been made under colour of the ſaid laſt-mentioned act, eſpecially the fourth, which directs, that no waterman ſhall have any more than one apprentice at one time, nor ſhall be capable of taking an apprentice, until ſuch maſter hath been a freeman ſeven years, nor ſhall take a ſecond apprentice until his firſt be dead, or the term expired; and that not any lighterman ſhall take any apprentice, until he is a real owner of two lighters, nor ſhall have more than one apprentite at one time, under the penalties therein mentioned; have by experience been found to be prejudicial and deſtructive to the breeding of ſea-faring men, and a great burthen upon the navigation and trade of the ſaid river of* Thames, *and of this kingdom in general, and the ſame not being alterable otherwiſe than by the authority of parliament, or by the conſent of the ſaid company of watermen and lightermen, who have a long time refuſed to give their conſent thereto; for remedy whereof, and for the better increaſe of ſeamen for her Majeſty's ſervice, and the trade, the which is of ſo great importance*

11 & 12 W. 3. c. 21.

to

to this kingdom; be it enacted by the Queen's moſt excellent majeſty, by and with the conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid clauſe or clauſes in the ſaid firſt recited act of parliament, that reſtrain the taking of apprentices, till they ſhall arrive to the ſeveral ages of eighteen and ſixteen years, as aforeſaid, and alſo the ſaid recited rule, order, and conſtitution, and all and every other rule, order, and conſtitution made for reſtraining of any waterman, wherryman, or lighterman, that now are or hereafter ſhall be free of the ſaid company, from taking and breeding of apprentices, ſhall be, and is hereby repealed, and declared to be void and of none effect.

Clauſe repealed.

Rule for reſtraining watermen from taking of apprentices, repealed.

See 2 Geo. 2. c. 26. 10 Geo. 2. c. 31.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the court of lord mayor and aldermen of the city of *London*, for the time being, and they are hereby authorized and impowered, from time to time, and at all times hereafter, to review, or re-examine, alter, or amend all ſuch rules and by-laws which relate to the apprentices of watermen and lightermen, and all other orders and conſtitutions, which have been heretofore, or which ſhall hereafter be made for the government of the ſaid company of watermen and lightermen; which ſaid alterations and amendments ſhall be ſubject nevertheleſs to the approbation of the chief juſtice of her Majeſty's court of *Queen's Bench* for the time being; and all ſuch rules, orders, and conſtitutions as ſhall be hereafter reviewed, re-examined, altered, or amended by the ſaid court of lord mayor and aldermen, ſhall, from time to time, and at all times hereafter, be approved of, as aforeſaid, and well and duly obſerved and put in execution; the ſaid recited acts, or rules, or any other act, clauſe, rule, order, or conſtitution to the contrary thereof in any wiſe notwithſtanding.

Lord mayor and aldermen of London to review and amend the by laws of the watermens company, &c.

III. Provided always, That this act, or any thing therein contained, ſhall not extend or be conſtrued to extend to the leſſening, taking away, abridging, hindring, prejudicing, or otherwiſe howſoever impeaching of any right belonging to or lawfully claimed by the late *Charles* duke of *Richmond* and *Lenox*, lord of the manor of *Graveſend*, his heirs, executors, adminiſtrators, or aſſigns, for the holding a certain court within the ſaid manor, called *Curia curſus aquæ*, or the court of the water-courſe, for the better government of barges, boats, and veſſels, uſing the ferry or paſſage from the town of *Graveſend* to *London*, and of the perſons owning or working the ſame, or of any other rights, liberties, powers, and privileges whatſoever belonging to the ſaid late duke, his heirs, executors, adminiſtrators, and aſſigns, relating to the ſaid ferry or paſſage, or to the barges, tilt-boats, or other boats and veſſels uſing the ſaid ferry or paſſage, or plying at the bridge of the ſaid town of *Graveſend*, or the perſons owning or working the ſame, or otherwiſe howſoever.

Act not to leſſen the right of holding the Curia curſus aquæ at Graveſend.

Nor the privileges of the mayor and jurats, &c. of Gravesend.

IV. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend to the lessening, taking away, abridging, hindring, prejudicing, or impeaching of any grants, liberties, franchises, customs, privileges, or usages, now or heretofore lawfully used, held, or enjoyed by the mayor, jurats, and capital inhabitants of the villages and parishes of *Gravesend* and *Milton* in the county of *Kent*, touching, concerning, or relating to the passage and ferry upon the said river of *Thames*, from the said villages and parishes of *Gravesend* and *Milton*, to the said city of *London*, or touching or concerning the government or gubernation of the said passage and ferry; but that the said mayor, jurats, and inhabitants, and their successors, shall and may do and execute all and every such lawful act and acts, powers, and authorities, touching the said passage and ferry, and the government thereof, as they might or could have done, if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding. 2 *Geo.* 2. *c.* 26.

CAP. XIV.

An act for the better collecting charity money on briefs by letters patents, and preventing abuses in relation to such charities.

WHEREAS *many inconveniencies do arise, and frauds are committed in the common method of collecting charity money upon briefs by letters patents, to the great trouble and prejudice of the objects of such charity, and to the great discouragement of well disposed persons:* for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, upon the issuing forth of letters patents for collecting of charity money, commonly called briefs, copies thereof, to the number required by the petitioners for such briefs, or their agents, and no more, shall be printed by the printer to her Majesty, her heirs or successors only, at the usual rates for printing, and by such printer the whole number of such copies shall be delivered to such person or persons only, as shall, by and with the consent of the petitioners for such brief, or the major part of them, undertake the laying or disposing such printed copies, in order to the collection of the monies to be received thereon, or to some or one of them, who, or one or more of them, shall give a receipt for the same, expressing the number thereof in such receipt, which receipt, or an attested copy thereof, such printer shall forthwith deliver to the register of the court of chancery to be filed in the register's office, and thereupon the person or persons so undertaking such collection, or some or one of them, shall cause all the said printed copies to be indorsed or marked

From 25 March, 1706. all copies of briefs for collecting charity money shall be printed by the Queen's printers.

in

in ſome convenient part of ſuch printed copy, with the name of one or more of the truſtees or commiſſioners named in ſuch letters patents, written with his or their own hand, and the time of ſigning the ſame, and alſo cauſe the ſaid printed copies to be ſtamped in the manner hereafter more particularly mentioned: and the ſaid whole number being ſo ſigned, ſhall be, with all convenient ſpeed, by the ſaid undertaker or undertakers, ſent and delivered to the reſpective church-wardens, and chapel-wardens of the reſpective churches and chapels, and to the reſpective teachers and preachers of every ſeparate congregation, and to any perſon who hath taught or preached in any meeting of the people called *Quakers*, in the counties and places to be comprized in ſuch letters patents, to be read and publiſhed, and the charity thereon to be collected in the ſeveral churches, chapels, or places of meeting to which they belong, who ſhall ſo receive the ſame; and that the ſaid church-wardens, chapel-wardens, preachers, teachers, and quakers having taught, as aforeſaid, immediately after ſuch receipt, ſhall indorſe the time of his or their receiving the ſame, and ſet his or their names thereto; and the ſaid church-wardens and chapel-wardens ſhall forthwith deliver over the ſaid printed briefs by them received, to the ſeveral miniſters and curates of the ſaid churches or chapels, who ſhall receive the ſame; and the ſaid reſpective miniſters and curates ſhall on receipt thereof indorſe the time they reſpectively received the ſame, and ſet their reſpective names thereto; and the ſaid reſpective miniſters and curates, teachers, preachers, and perſons called *Quakers*, qualified as aforeſaid, ſhall on ſome *Sunday*, within two months after receipt of ſuch copies, immediately before the ſermon, preaching or teaching ſhall begin, openly read or cauſe to be read ſuch printed briefs in their reſpective churches, chapels, and places of meeting, to the congregation there aſſembled, and the reſpective church-wardens, chapel-wardens, and the teachers of every ſuch ſeparate congregation, and ſuch perſons called *Quakers*, to whom the briefs ſhall have been ſo delivered, as aforeſaid, ſhall collect the ſums of money that ſhall be freely thereon given, either in the ſaid reſpective aſſemblies, or by going from houſe to houſe of the members of their reſpective congregations, as the briefs ſhall require in that behalf; and on every ſuch collection made, the ſum that ſhall be collected, with the place where, and time when the ſame was collected, ſhall be indorſed, fairly written in words at length on ſuch reſpective printed briefs, and ſigned by the miniſter or curate, and the church-wardens in churches and chapels, and by the teacher and two elders, or two other ſubſtantial perſons of every ſeparate congregation; and that thereupon the ſaid reſpective church-wardens and chapel-wardens, and the reſpective teachers or preachers, or other perſons required to make the collection, as aforeſaid, on requeſt of ſuch perſon or perſons as ſhall undertake to place and diſperſe the briefs, as aforeſaid, or of any perſon by them, or any of them lawfully authorized, ſhall deliver to ſuch perſon or perſons,

Miniſters, &c. on ſome Sunday within 2 months after receipt of copy, &c. ſhall before ſermon, openly read the ſame.

Church-wardens, &c. to collect the money.

Sum collected to be indorſed on ſuch printed brief, and ſigned by miniſter, &c.

and delivered to the undertakers of the brief, &c.

ſons, making ſuch requeſt, the reſpective printed briefs ſo indorſed, as aforeſaid, and the monies thereon collected, taking a receipt for the ſame, from the perſon ſo receiving ſuch monies, in ſome book to be kept for that purpoſe, on pain that every the ſaid miniſters, curates, teachers, preachers, church-wardens, chapel-wardens, and quakers qualified and required, as aforeſaid, who ſhall refuſe or neglect to do any of the matters or things before reſpectively required of them, ſhall forfeit the ſum of twenty pounds, to be recovered and applied as herein after is directed; and the ſaid perſon or perſons who ſhall ſo undertake to place, and diſperſe the ſaid briefs as aforeſaid, ſhall within ſix months next after the reſpective placing or delivering ſuch copies in the reſpective pariſhes, as aforeſaid, by themſelves, or ſome or one of them, or by ſome perſon or perſons by them or the major part of them to be appointed, as aforeſaid, demand from the reſpective church-wardens and chapel-wardens of churches and chapels, and from the preacher and teacher of ſeparate congregations, or from ſuch teaching quaker to whom the ſaid printed briefs ſhall have been reſpectively delivered, as aforeſaid, the printed briefs ſo left with him or them reſpectively, and the monies reſpectively by them received thereon; and on delivery and payment made ſhall give to them reſpectively, as aforeſaid, a receipt for the ſame, on pain to forfeit the ſum of twenty pounds, to be recovered and diſpoſed of as herein after is directed.

Penalty on miniſter, &c. neglecting.

Undertakers within 6 months after delivery, to demand the ſame from the church-wardens, &c.

and the monies received thereon,

II. And to the intent a ſpeedy, regular, and ſatisfactory account may be rendered of the ſums of money collected by virtue of ſuch briefs, be it enacted by the authority aforeſaid, That the perſon or perſons ſo undertaking to place or diſperſe the ſaid printed briefs, or the greater part of them, ſhall make, or cauſe to be made, a fair entry in a book for that purpoſe by them to be kept (to which all perſons concerned may at all times reſort) of the number of the printed briefs they ſo received, and alſo when ſigned and ſent away, and to what pariſhes and places, and the time of their receiving the ſame back, and the monies thereon collected; and the ſaid printed copies ſo received back, ſhall be depoſited and left with the regiſter of the court of chancery, with whom the receipt given to the printer for the ſame as aforeſaid, was regiſtered, to the end it may appear that the whole number received of the ſaid printer is duly returned, and that the ſame may be from time to time made uſe of, as well by the ſufferers and their agents, as by the ſaid undertakers and their agents or ſolicitors, in paſſing the accounts in the method herein after preſcribed; and if the whole number of printed copies of ſuch briefs ſo received of the printer, ſhall not be duly returned as hereby required, the undertaker or undertakers ſhall, for every printed copy, which ſhall be found wanting and not returned, as aforeſaid, by default of them or their agents, forfeit the ſum of fifty pounds, to be recovered and applied as herein after-mentioned; unleſs he or they ſhall make a ſufficient proof, to the ſatisfaction of the court of

and enter in a book the number of printed briefs received, &c.

Printed copies (when received back) to be depoſited with the regiſter of the court of Chancery.

Penalty on undertaker not returning the whole number, &c.

of chancery, of the ſaid briefs ſo wanting being loſt or deſtroyed by inevitable accident, and of what money was really and truly collected thereon, and fully account for, and pay the ſame; and that in each pariſh or chapelry, and ſeparate congregation, a regiſter ſhall be kept by the miniſter or teacher there, or by ſome teaching quaker, of all monies collected by virtue of ſuch briefs, therein alſo inſerting the occaſion of the brief, and the time when the ſame was collected, to which all perſons at all times may reſort without fee.

In each pariſh, &c. a regiſter to be kept of all monies collected.

III. *And for the better indorſing what money is collected on the back of the printed briefs, and for the more regular examination thereof, and for the preventing the counterfeiting printed copies of the briefs, by which great frauds have been put in practice*; be it enacted by the authority aforeſaid, That on the back of every printed copy of ſuch brief, there ſhall be printed the form of indorſement, with the neceſſary blanks for time, place and ſum of money, to be filled up by the reſpective perſons aforeſaid; and each printed copy of ſuch brief ſhall before it be carried to the reſpective pariſhes wherein the collection is to be made, be ſtamped or marked with a proper ſtamp to be made for that purpoſe, and kept by the regiſter of the court of chancery, who is to ſee that no greater number of printed copies be ſtampt or marked therewith, than is in the receipts given to the printer, and left with the regiſter, as aforeſaid, ſpecified and declared; and if any perſon or perſons ſhall forge or counterfeit ſuch ſtamp, ſuch perſon being thereof lawfully convicted, ſhall be publickly ſet on the pillory for the ſpace of one whole hour.

Form of indorſement to be printed on the back of every printed brief, with proper blanks, &c. and ſtampt, &c.

Penalty on counterfeiting ſtamp.

IV. And be it further enacted by the authority aforeſaid, That the ſaid undertaker or undertakers, ſhall within two months after the monies reſpectively received, and after due notice thereof to the ſufferers (who are to be admitted to controvert the ſame) account before one of the maſters of the court of chancery, to be for that purpoſe appointed by the lord chancellor, lord keeper, or commiſſioners for the cuſtody of the great ſeal of *England* for the time being, for all the monies by them received on account of ſuch letters patents and briefs, and ſhall produce before him an exact account of the reſpective printed briefs by them delivered out, and received back, and left with the regiſter, as aforeſaid, and thereupon the ſaid maſter ſhall proceed to make his report of what ſhall be found due on ſuch account; and the ſaid report being confirmed by the ſaid court of chancery as uſual, ſhall be a charge on the ſaid undertaker or undertakers, and ſhall be carried into execution againſt him or them, as if decreed in a ſuit there depending; in taking which account ſuch maſter ſhall make all juſt allowances to ſuch undertakers, for their trouble and pains of management, over and beſides the charges to be expended for the ſaid letters patents and copies thereof; and ſuch maſter ſhall alſo have power by the common methods of the court of chancery, to examine into all frauds and ill practices that ſhall be committed

Undertakers to account for all monies received within two months after receipt,

and be allowed for their pains.

committed by the ſaid undertakers or their agents, or any others concerned for or under them in ſuch collection, and report the ſame to the court; which report being confirmed by the ſaid court, it ſhall be in the power of the lord chancellor, lord keeper, or commiſſioners aforeſaid, for the time being, to impoſe ſuch fine and coſts on every ſuch offender, as the nature of the caſe ſhall require; which ſaid fine, and all other forfeitures incurred by the ſaid undertakers or their agents, ſhall be only for the benefit of the ſufferers, for whoſe benefit ſuch briefs ſhall be granted, and ſhall and may be recovered by the order of the ſaid court of chancery, founded on ſuch report ſo confirmed, as aforeſaid, and carried into execution, as the decrees of that court uſually are.

Undertakers, &c. found guilty of fraud, to be fined.

Proviſo concerning penalties.

V. Provided always, That where any penalties are by this act inflicted on any perſon or perſons, other than the undertakers, their agents, deputies, ſubſtitutes, or ſervants, ſuch penalties ſhall be recovered by action of debt, bill, plaint, or information.

VI. *And whereas there hath been an evil practice in farming and purchaſing for a ſum of money, the charity-money that ſhould or might be collected on ſuch briefs, to the very great hindrance and diſcouragement of alms-giving on ſuch occaſion*; be it therefore enacted by the authority aforeſaid, and it is hereby declared, That all farming and purchaſing of ſuch charity-money is unlawful, and that from and after the aforeſaid five and twentieth day of *March*, if any perſon or perſons ſhall purchaſe or agree for any charity-money to be collected on any briefs or letters patents, or by any inſtrument of covenant or agreement, by way of farming, ſhall or may pretend to appropriate ſuch charity-money, or any part thereof to his or their uſe, contrary to the intent and meaning of ſuch letters patents, by which ſuch charity-money ſhall be collected, and contrary to the intent and meaning of this act, ſuch purchaſe and inſtrument of covenant and agreement, ſhall be void, and each perſon agreeing to purchaſe the benefit of ſuch brief, ſhall forfeit the ſum of five hundred pounds, to be applied for the benefit of the ſufferers in ſuch letters patents mentioned, and to be recovered, as before laſt mentioned.

No perſons to farm or purchaſe charity-money on briefs, &c.

on penalty.

CAP. XV.

An act for making the river Stower navigable, from the town of Maningtree in the county of Eſſex, to the town of Sudbury in the county of Suffolk.

River Stower to be made navigable from Maningtree in Eſſex, to Sudbury in Suffolk. Powers granted to the undertakers. Commiſſioners appointed for determining differences. Any nine of them impowered to act. Perſons declining commiſſioners mediation, ſheriff of the county to impanel a jury; who, on oath, are to inquire and aſſeſs damages, &c. Such aſſeſſment to be binding. On payment of ſum aſſeſſed, &c. Undertakers, &c. may act in purſuance of ſuch final order. No commiſſioner to act in any caſe where concerned. In caſe of death of commiſſioners, or refuſal to act, the number ſhall be ſupplied. Undertakers to receive for goods, merchandizes, &c. viz. For every chalder of coals 5 s. every ton weight of other goods, &c. 5 s. On nonpayment, undertakers

dertakers may sue or detain goods. Watermen, &c. may use winches. Owners of barges, boats, &c. responsible for damages done by barges, &c. Commissioners to have the sole power of surveying the river, &c. and not to be under the survey of any commission of sewers. Persons sued on this act, may plead the general issue. Defendants to have full costs. Act to be deemed a public act. Rights of fishing reserved. Owners of lands may use pleasure boats, &c. Lawful to enter into any boat, vessel, &c. and seize nets, &c. for taking fish. Undertakers by the twenty fourth of June, 1708, to begin their works, and finish the same by the twenty fourth of June, 1713. If works be not finished by the time limited, commissioners may appoint others to perfect the same, &c. And so *toties quoties*. Mill-stones, timber, lime, &c. for the use of the mills, exempt from toll. The sea walls and banks, &c. belonging to Lawford Hall in Essex, shall be repaired and maintained. Dr. Dent to pay 5l. per ann. to the undertakers, on penalty of distress. No duty to be paid for dung, muck, &c. used for manuring of owners lands, &c. Wharfage duty for coals, &c. payable at Sudbury. All boats, barges, &c. to be registred and marked. No boat to be marked with another's mark.

CAP. XVI.

An act for the amendment of the law, and the better advancement of justice.

FOR the amendment of the law in several particulars, and for the easier, speedier, and better advancement of justice, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *Trinity* term, which shall be in the year of our Lord one thousand seven hundred and six, where any demurrer shall be joined, and entered in any action or suit in any court of record within this realm, the judges shall proceed and give judgment, according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, omission, or defect in any writ, return, plaint, declaration, or other pleading, process, or course of proceeding whatsoever, except those only which the party demurring shall specially and particularly set down and express, together with his demurrer, as causes of the same, notwithstanding that such imperfection, omission, or defect might have heretofore been taken to be matter of substance, and not aided by the statute made in the twenty seventh year of Queen *Elizabeth*, intituled, *An act for the furtherance of justice in case of demurrer and pleadings*, so as sufficient matter appear in the said pleadings, upon which the court may give judgment according to the very right of the cause; and therefore from and after the said first day of *Trinity* term, no advantage or exception shall be taken of or for an immaterial travers; or of or for the default of entring pledges upon any bill or declaration; or of or for the default of alledging the bringing into court any bond, bill, indenture, or other deed whatsoever mentioned in the declaration or other pleading; or of or for the default of alledging of the bringing into court letters testamentary, or letters of administration; or of or for the omission of

By 9 Annæ, c. 20. s. 7. *This statute is extended to writs of Mandamus and informations in nature of* Quo Warranto.

From Trinity term, 1706, judges shall give judgment on demurrer, &c. without regarding any defect in writ, &c. Exception. 27 Eliz. c. 5.

of *Vi & Armis & contra pacem*, or either of them; or of or for the want of averment of *Hoc paratus eſt verificare*, or, *Hoc paratus eſt verificare per Recordum*; or of or for not alledging *prout patet per Recordum*, but the court ſhall give judgment according to the very right of the cauſe, as aforeſaid, without regarding any ſuch imperfections, omiſſions, and defects, or any other matter of like nature, except the ſame ſhall be ſpecially and particularly ſet down and ſhewn for cauſe of demurrer.

All ſtatutes of jeofails to be extended to judgments upon *Nihil dicit*, &c.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, all the ſtatutes of jeofails ſhall be extended to judgments which ſhall at any time afterwards be entred upon confeſſion, *Nihil dicit*, or *Non ſum informatus*, in any court of record; and no ſuch judgment ſhall be reverſed, nor any judgment upon any writ of enquiry of damages executed thereon be ſtaid or reverſed, for or by reaſon of any imperfection, omiſſion, defect, matter, or thing whatſoever, which would have been aided and cured by any of the ſaid ſtatutes of jeofails in caſe a verdict of twelve men had been given in the ſaid action or ſuit, ſo as there be an original writ or bill, and warrants of attorney duly filed according to the law as is now uſed.

No ſuch judgment to be reverſed.

When warrants of attorney ſhall be filed.

III. Provided always, and be it enacted by the authority aforeſaid, That the attorney for the plaintiff, or demandant in any action or ſuit, ſhall file his warrant of attorney with the proper officer of the court where the cauſe is depending the ſame term he declares; and the attorney for the defendant or tenant ſhall file his warrant of attorney as aforeſaid, the ſame term he appears, under the penalties inflicted upon attornies by any former law for default of filing their warrants of attorney.

Defendant, &c. may plead ſeveral matters.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term it ſhall and may be lawful for any defendant or tenant in any action or ſuit, or for any plaintiff in replevin, in any court of record, with the leave of the ſame court, to plead as many ſeveral matters thereto, as he ſhall think neceſſary for his defence.

Proviſo touching coſts.

V. Provided nevertheleſs, That if any ſuch matter ſhall upon a demurrer joyned, be judged inſufficient, coſts ſhall be given at the diſcretion of the court; or if a verdict ſhall be found upon any iſſue in the ſaid cauſe for the plaintiff or demandant, coſts ſhall be alſo given in like manner, unleſs the judge, who tried the ſaid iſſue, ſhall certify, that the ſaid defendant, or tenant, or plaintiff in replevin, had a probable cauſe to plead ſuch matter which upon the ſaid iſſue ſhall be found againſt him.

Venire facias how to be awarded.

VI. *And whereas great delays do frequently happen in trials, by reaſon of challenges to the arrays of panels of jurors, and to the polls, for default of hundredors:* for prevention thereof for the future, be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, every *Venire facias* for the trial of any iſſue, in any action or ſuit in any of her Majeſty's courts of record at *Weſtminſter*, ſhall be awarded of the body of the proper county where ſuch iſſue is triable.

VII. Pro-

VII. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act before contained, ſhall extend to any writ, declaration, or ſuit of appeal of felony or murder, or to any indictment or preſentment of treaſon, felony, or murder, or other matter, or to any proceſs upon any of them, or to any writ, bill, action, or information upon any penal ſtatute. Not to extend to writs of appeal of felony or murder, &c.

VIII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term in any actions brought in any of her Majeſty's courts of record at *Weſtminſter*, where it ſhall appear to the court in which ſuch actions are depending, that it will be proper and neceſſary, that the jurors who are to try the iſſues in any ſuch actions, ſhould have the view of the meſſuages, lands, or place in queſtion, in order to their better underſtanding the evidence that will be given upon the trials of ſuch iſſues, in every ſuch caſe the reſpective courts in which ſuch actions ſhall be depending, may order ſpecial writs of *Diſtringas* or *Habeas Corpora* to iſſue, by which the ſheriff, or ſuch other officer to whom the ſaid writs ſhall be directed, ſhall be commanded to have ſix out of the firſt twelve of the jurors named in ſuch writs, or ſome greater number of them, at the place in queſtion, ſome convenient time before the trial, who then and there ſhall have the matters in queſtion ſhewn to them by two perſons in the ſaid writs named, to be appointed by the court; and the ſaid ſheriff, or other officer, who is to execute the ſaid writs, ſhall, by a ſpecial return upon the ſame, certify that the view hath been had according to the command of the ſaid writs. Where jurors are to view lands, &c. court may order ſpecial writs of *Diſtringas* or *Habeas Corpora*.

IX. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, all grants or conveyances thereafter to be made, by fine or otherwiſe, of any manors or rents, or of the reverſion or remainder of any meſſuages or lands, ſhall be good and effectual, to all intents and purpoſes, without any attornment of the tenants of any ſuch manors, or of the land out of which ſuch rent ſhall be iſſuing, or of the particular tenants upon whoſe particular eſtates any ſuch reverſions or remainders ſhall and may be expectant or depending, as if their attornment had been had and made. All grants and conveyances, &c. to be good, without attornment of tenants.

X. Provided nevertheleſs, That no ſuch tenant ſhall be prejudiced or damaged by payment of any rent to any ſuch grantor or conuſor or by breach of any condition for non-payment of rent, before notice ſhall be given to him of ſuch grant by the conuſee or grantee. Proviſo.

XI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, no dilatory plea ſhall be received in any court of record, unleſs the party offering ſuch plea, do, by affidavit, prove the truth thereof, or ſhew ſome probable matter to the court to induce them to believe that the fact of ſuch dilatory plea is true. No dilatory plea to be received unleſs on affidavit.

XII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, where any action of debt ſhall be brought upon any ſingle bill, or where Action of debt brought on ſingle bill, or judgment, af-

ter money paid, such payment may be pleaded in bar.

where action of debt, or *Scire facias*, shall be brought upon any judgment, if the defendant hath paid the money due upon such bill or judgment, such payment shall and may be pleaded in bar of such action or suit, and where an action of debt is brought upon any bond which hath a condition or defeazance to make void the same upon payment of a lesser sum at a day or place certain, if the obligor, his heirs, executors, or administrators, have, before the action brought, paid to the obligee, his executors or administrators, the principal and interest due by the defeazance or condition of such bond, though such payment was not made strictly according to the condition or defeazance; yet it shall and may nevertheless be pleaded in bar of such action, and shall be as effectual a bar thereof, as if the money had been paid at the day and place, according to the condition or defeazance, and had been so pleaded.

The like on bonds.

Principal and interest on bonds paid in court, &c. court may discharge defendant.

XIII. And be it further enacted by the authority aforesaid, That if at any time, pending an action upon any such bond with a penalty, the defendant shall bring into the court where the action shall be depending, all the principal money, and interest due on such bond, and also all such costs as have been expended in any suit or suits in law or equity upon such bond, the said money so brought in shall be deemed and taken to be in full satisfaction and discharge of the said bond, and the court shall and may give judgment to discharge every such defendant of and from the same accordingly.

Nuncupative wills. 29 Car. 2. c. 3.

XIV. *And whereas by an act of parliament made in the twenty ninth year of King* Charles *the Second, intituled,* An act for prevention of frauds and perjuries, *it is enacted, That no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses, at the least, that were present at the making thereof*; it is hereby declared, That all such witnesses as are and ought to be allowed to be good witnesses upon trials at law, by the laws and customs of this realm, shall be deemed good witnesses to prove any nuncupative will, or any thing relating thereunto.

Declarations of uses, trusts, &c. of fines or recoveries. 29 Car. 2. c. 3.

XV. *And whereas it hath been doubted, whether since the making of the said last-mentioned act of parliament, the declarations or creations of uses, trusts, or confidences, of any fines or common recoveries manifested by deed made after the levying or suffering of such fines or recoveries, are good and effectual in law*; it is hereby declared, That all declarations, or creations of uses, trusts, or confidences, of any fines or common recoveries of any lands, tenements, or hereditaments, manifested and proved, or which hereafter shall be manifested and proved, by any deed already made, or hereafter to be made, by the party who is by law enabled to declare such uses or trusts, after the levying or suffering of any such fines or recoveries, are and shall be as good and effectual in the law, as if the said last mentioned act had not been made.

No claim or entry to be of force to avoid

XVI. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, no claim or entry to be made of or upon any lands, tenements, or hereditaments,

ditaments, shall be of any force or effect to avoid any fine levied or to be levied with proclamations, according to the form of the statute in that case made and provided in the Queen's court of *Common Pleas* at *Westminster*, or in the courts of sessions in any of the counties palatine, or in courts of grand sessions in *Wales*, of any lands, tenements, or hereditaments, or shall be a sufficient entry or claim within the statute made in the twenty first year of King *James* the First, intituled, *An act for limitation of actions, and for avoiding of suits in law*, unless upon such entry or claim, an action shall be commenced within one year next after the making of such entry or claim, and prosecuted with effect.

fine levied with proclamations, &c. unless an action be commenced in one year after such entry made. 21 Jac. 1. c. 16. Seamens wages.

XVII. And be it further enacted by the authority aforesaid, That all suits and actions in the court of admiralty for seamens wages, which shall become due after the said first day of *Trinity* term, shall be commenced and sued within six years next after the cause of such suits or actions shall accrue, and not after.

XVIII. Provided nevertheless, and be it further enacted, That if any person or persons, who is or shall be intitled to any such suit or action for seamens wages, be or shall be, at the time of any such cause of suit or action accrued, fallen or come, within the age of twenty one years, feme covert, *Non compos mentis*, imprisoned, or beyond the seas, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within six years next after their coming to, or being of full age, discovert, of sane memory, at large, and returned from beyond the seas.

Proviso in case of nonage, feme covert, or *Non compos mentis*, &c.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons, against whom there is or shall be any such cause of suit or action for seamens wages, or against whom there shall be any cause of action of trespass, detinue, actions sur trover, or replevin for taking away goods or cattle, or of action of account, or upon the case, or of debt grounded upon any lending or contract without specialty, of debt for arrearages of rent, or assault, menace, battery, wounding, and imprisonment, or any of them, be or shall be, at the time of any such cause of suit or action given or accrued, fallen, or come, beyond the seas, That then such person or persons, who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their return from beyond the seas, so as they take the same after their return from beyond the seas, within such times as are respectively limited for the bringing of the said actions before by this act, and by the said other act made in the one and twentieth year of the reign of King *James* the First.

Action against persons gone beyond the seas, may be brought after their return.

Proviso.

21 Jac. 1. c. 16.

XX. And be it enacted by the authority aforesaid, That if any person or persons shall be arrested from and after the said first day of *Trinity* term, by any writ, bill, or process, issuing out of any of her Majesty's courts of record at *Westminster*, at the suit of any common person, and the sheriff or other officer taketh bail from such person, against whom such writ, bill, or process

Bail bond taken by sheriff, &c. may be assigned to plaintiff.

proceſs is taken out, the ſheriff or other officer at the requeſt and coſts of the plaintiff in ſuch action or ſuit, or his lawful attorney, ſhall aſſign to the plaintiff in ſuch action the bail bond, or other ſecurity taken from ſuch bail, by endorſing the ſame, and atteſting it under his hand and ſeal in the preſence of two or more credible witneſſes, which may be done without any ſtamp; provided the aſſignment ſo endorſed be duly ſtampt before any action be brought thereupon; and if the ſaid bail bond or aſſignment, or other ſecurity taken for bail be forfeited, the plaintiff in ſuch action, after ſuch aſſignment made, may bring an action and ſuit thereupon in his own name, and the court where the action is brought, may by rule or rules of the ſame court, give ſuch relief to the plaintiff and defendant in the original action, and to the bail, upon the ſaid bond or other ſecurity taken from ſuch bail, as is agreeable to juſtice and reaſon, and that ſuch rule or rules of the ſaid court ſhall have the nature and effect of a defeazance to ſuch bail bond, or other ſecurity for bail.

Proviſo.

Warranty by tenant for life void.

XXI. And be it further enacted by the authority aforeſaid, That all warranties which ſhall be made after the ſaid firſt day of *Trinity* term, by any tenant for life, of any lands, tenements, or hereditaments, the ſame deſcending or coming to any perſon in reverſion or remainder, ſhall be void and of none effect; and likewiſe all collateral warranties, which ſhall be made after the ſaid firſt day of *Trinity* term, of any lands, tenements, or hereditaments, by any anceſtor who has no eſtate of inheritance in poſſeſſion in the ſame, ſhall be void againſt his heir.

No Subpœna to iſſue till after bill filed.

XXII. And be it further enacted by the authority aforeſaid, That no *Subpœna*, or any other proceſs for appearance, do iſſue out of any court of equity, till after the bill is filed with the proper officer in the reſpective courts of equity, except in caſes of bills for injunctions to ſtay waſtes, or ſtay ſuits at law commenced, and a certificate thereof brought to the *Subpœna* office, or to him who uſually makes out *Subpœnas* or other proceſs in the ſeveral courts of equity, under the hand of the ſix clerk, or other clerk or officer who uſually files bills in equity, for which certificate he ſhall receive no fee.

Exception.

On diſmiſſing bills in equity, plaintiff or defendant to pay full coſts.

XXIII. And for the better preventing vexatious ſuits in courts of equity; be it further enacted, That upon the plaintiff's diſmiſſing his own bill, or the defendant's diſmiſſing the ſame for want of proſecution, the plaintiff in ſuch ſuit ſhall pay to the defendant or defendants, his or their full coſts, to be taxed by a maſter: and that no copy, abſtract, or tenor of any bill in equity, do go with the *Dedimus* or commiſſion for taking the defendant's anſwer; but in lieu and recompence thereof, the ſworn clerks of the court of *Chancery* ſhall take to their own uſe, in all cauſes, the whole term fee of three ſhillings and four pence, and alſo the whole fee or fees of and for all ſmall writs made by the ſaid ſworn clerks.

Act to extend to all ſuits for the Kings debts, &c.

XXIV. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, this act and all the ſtatutes of jeofails ſhall extend to all ſuits in any of her

her Majeſty's courts of record at *Weſtminſter*, for recovery of any debt immediately owing, or any revenue belonging to her Majeſty, her heirs or ſucceſſors; and ſhall alſo extend to all courts of record in the counties palatine of *Lancaſter*, *Cheſter*, and *Durham*, and the principality of *Wales*, and to all other courts of record within this kingdom.

Rex v Phillips in Scacc. Hil. 1746.

XXV. And for the preventing great vexation from ſuing out defective writs of error; be it enacted by the authority aforeſaid, That upon the quaſhing any writ of error to be ſued out after the ſaid firſt day of *Trinity* term, for variance from the original record or other defect, the defendants in ſuch error ſhall recover againſt the plaintiff or plaintiffs, iſſuing out ſuch writ, his coſts, as he ſhould have had if the judgment had been affirmed, and to be recovered in the ſame manner.

On quaſhing writ of error defendant to have coſts.

XXVI. *And whereas great trouble and expence is frequently occaſioned to the widows and orphans of perſons dying inteſtate to monies or wages due for work done in her Majeſty's yards and docks, by diſputes happening about the authority of granting probat of the wills, and letters of adminiſtration of the good and chattels of ſuch perſons, and for preventing ſuch unneceſſary trouble and expence*; be it therefore enacted by the authority aforeſaid, That the power of granting probats of the wills, and letters of adminiſtration of the goods and chattels of ſuch perſon and perſons reſpectively is, and is hereby declared to be, in the ordinary of the dioceſe, or ſuch other perſons, to whom the ordinary power of probat of wills, or granting letters of adminiſtration do belong, where ſuch perſon and perſons ſhall reſpectively die; and that the ſalary, wages, or pay due to ſuch perſon or perſons from the Queen's majeſty, her heirs or ſucceſſors, for work done in any of the yards or docks, ſhall not be taken or deemed to be *Bona notabilia*, whereby to found the juriſdiction of the prerogative court.

Probats of wills and adminiſtrations.

Bona notabilia.

XXVII. And be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Trinity* term, actions of account ſhall and may be brought and maintained againſt the executors and adminiſtrators of every guardian, bailiff, and receiver; and alſo by one joint tenant, and tenant in common, his executors and adminiſtrators, againſt the other, as bailiff for receiving more than comes to his juſt ſhare or proportion, and againſt the executor and adminiſtrator of ſuch joint tenant, or tenant in common; and the auditors appointed by the court, where ſuch action ſhall be depending, ſhall be, and are hereby impowered to adminiſter an oath, and examine the parties touching the matters in queſtion, and for their pains and trouble in auditing and taking ſuch account, have ſuch allowance as the court ſhall adjudge to be reaſonable, to be paid by the party on whoſe ſide the ballance of the account ſhall appear to be.

Actions of account may be brought againſt executors of guardian, bailiff, &c.

Auditors to examine the parties on oath.

CAP. XVII.

An act to prevent frauds frequently committed by bankrupts.

WHEREAS many perſons have and do daily become bankrupt, not ſo much by reaſon of loſſes and unavoidable misfortunes, as to the intent to defraud and hinder their creditors of their juſt debts and duties to them due and owing; for the prevention thereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, who from and after the four and twentieth day of *June*, in the year of our Lord one thouſand ſeven hundred and ſix, ſhall become a bankrupt within the ſeveral ſtatutes made againſt bankrupts, or any of them, and againſt whom a commiſſion of bankrupts, under the great ſeal of *England*, ſhall be awarded and iſſued out, ſhall not within thirty days next after notice thereof in writing ſhall be left at the place of the uſual abode of ſuch perſon or perſons, and notice given in the gazette, That ſuch commiſſion or commiſſions is or are iſſued forth, and of the time and place of a meeting of the ſaid commiſſioners, ſurrender him, her or themſelves to the commiſſioners named in the ſaid commiſſion, or ſome of them, and ſubmit to be examined from time to time upon oath, by and before the ſaid commiſſioners, or the major part of them, by the ſaid commiſſion authorized, and in all things conform to the ſeveral ſtatutes already made concerning bankrupts, and alſo upon ſuch examination fully and truly diſcloſe and diſcover how, and in what manner, and to whom, and upon what conſideration, he, ſhe or they hath or have diſpoſed, aſſigned or transferred any of his, her or their goods, wares, merchandizes, money or other effects or eſtate, and all books, papers and writings relating thereunto, of which he, ſhe or they were poſſeſſed, or in or to which he, ſhe or they were any way intereſted or entitled, or which any perſon or perſons had, or hath, or have had in truſt for him, her or them, or for his, her or their uſe, at any time before or after the iſſuing out of the ſaid commiſſion, and alſo deliver up unto the ſaid commiſſioners, or the major part of the commiſſioners by the ſaid commiſſion authorized, all ſuch part of his, her or their the ſaid bankrupts goods, wares, merchandizes, effects and eſtate, and all books, papers and writings relating thereunto, as at the time of ſuch examination ſhall be in his, her or their poſſeſſion, cuſtody or power (his, her or their, and his, her and their wives and childrens neceſſary wearing apparel only accepted) then he, ſhe or they the ſaid bankrupt, in caſe of any default or wilful omiſſion therein, or in any the premiſſes, and being thereof lawfully convicted by indictment or information, ſhall ſuffer as a felon, without the benefit of clergy.

Bankrupts after 24 June, 1706. not ſurrendring themſelves within 30 days after notice, and diſcovering their effects to the commiſſioners, &c. to ſuffer as felons.

II. Provided always, and it is hereby declared and enacted by the authority aforeſaid, That it ſhall and may be lawful to and for

Lord chancellor may en-

for the lord chancellor, or lord keeper, or commiſſioners of the great ſeal of *England* for the time being, to enlarge the time for ſuch perſon or perſons ſurrendring him, her or themſelves, and diſcloſing and diſcovering his, her or their eſtate and effects, as aforeſaid, as the lord chancellor, lord keeper, or commiſſioners, ſhall think fit, not exceeding ſixty days, ſo as ſuch order for ſo enlarging the time, be made by the lord chancellor, lord keeper, or commiſſioners, five days before the time on which ſuch perſon or perſons was or were ſo to ſurrender him, her or themſelves, and make ſuch diſcovery, as aforeſaid. large the time for bankrupt's ſurrendring himſelf, &c.

III. And be it further enacted by the authority aforeſaid, That if from and after the ſaid four and twentieth day of *June*, a commiſſion of bankrupt, under the great ſeal of *England*, ſhall iſſue forth againſt any perſon or perſons, That then the commiſſioners therein named, or the major part of them authorized to put the ſaid commiſſion in execution, ſhall by virtue hereof, and of the ſaid commiſſion, have full power and authority to ſend for and call before them, by ſuch proceſs, ways or means, as they in their diſcretions ſhall think convenient, all and every ſuch perſon and perſons as they ſhall be informed and believe can give any account or information of any act or acts of bankrupcy committed by ſuch perſon or perſons, againſt whom ſuch commiſſion ſhall iſſue forth; and upon their appearance to examine them, and every of them, as well upon their oaths, as otherwiſe, by ſuch ways and means as the ſaid commiſſioners, or ſuch major part of them, are by law authorized to examine, touching or concerning ſuch bankrupts eſtate, touching any act or acts of bankrupcy committed by ſuch perſon or perſons againſt whom ſuch commiſſion ſhall iſſue forth; and if any perſon or perſons, upon payment or tender, and refuſal to accept of ſuch reaſonable charge, ſhall refuſe or neglect to come and appear, not having a lawful excuſe to be made known to the ſaid commiſſioners, and by them allowed, or being come before them, ſhall refuſe to be ſworn, or being of the people called *Quakers*, to take the ſolemn affirmation, by law appointed for ſuch people, or being ſworn, or having taken ſuch affirmation, ſhall refuſe to anſwer all ſuch queſtions, as by the ſaid commiſſioners ſhall be put unto him, her or them, relating to any act of bankrupcy committed by the perſon or perſons againſt whom ſuch commiſſion is awarded, according to the true intent and meaning of this act, That then it ſhall and may be lawful for the ſaid commiſſioners, or ſuch major part of them, to commit to ſuch priſon as to them ſhall be thought meet, all ſuch perſon or perſons, and alſo to direct their warrant or warrants to ſuch perſon or perſons as the ſaid commiſſioners, or greater part of them ſhall think meet, to apprehend and arreſt ſuch perſon or perſons as ſhall ſo refuſe to appear, and to commit ſuch perſon or perſons to ſuch priſon as the ſaid commiſſioners, or ſuch major part of them ſhall think meet, there to remain without bail or mainprize, until ſuch time as ſuch perſon or perſons ſhall ſubmit him or her ſelf to the ſaid commiſſioners, and be by them examined, Power of commiſſioners of bankrupcy.

amined, according to the true intent and meaning of this act. Provided, That no perſon ſhall be obliged to travel above twenty miles to be ſo examined.

Bankrupts may be committed by juſtices warrant to the county-gaol where taken,

IV. And be it further enacted by the authority aforeſaid, That upon certificate made and granted under the hands and ſeals of the ſaid commiſſioners, or ſuch major part of them, that ſuch commiſſion is iſſued forth, and ſuch perſon or perſons proved before them to become bankrupt, That then it ſhall and may be lawful to and for all or any of the judges of her Majeſty's courts of Queen's Bench, Common Pleas, or Court of Exchequer, and to and for all and every the juſtices of the peace within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, (and they are hereby impowered and required, upon application to them for that purpoſe made) to grant his or their warrant or warrants under his or their hands and ſeals, as well for the taking and apprehending ſuch perſon or perſons, and him, her or them to commit to the common gaol of the county where he, ſhe, or they ſhall be ſo taken and apprehended, there to remain, until he, ſhe, or they ſhall be thence removed by order of the ſaid commiſſioners, or ſuch major part of them, by warrant under their hands and ſeals; and the gaoler or keeper, to whoſe cuſtody ſuch perſon or perſons ſhall be committed, is hereby required forthwith to give notice to ſome one of the ſaid commiſſioners in the ſaid commiſſion named of ſuch perſon or perſons being in his or their cuſtody, to the intent the ſaid commiſſioners may ſend their warrant to the ſaid gaoler or keeper (which they are hereby impowered and required forthwith to ſend) for the delivering ſuch bankrupt or bankrupts to the perſon or perſons named in ſuch warrant, and thereby authorized to convey ſuch perſon to the ſaid commiſſioners, in order to ſuch examination and diſcovery, as aforeſaid, as alſo to take and ſeize any the wares, goods, merchandizes or effects of ſuch perſon or perſons, or any of his, her or their books, papers or writings, or any other his or their real or perſonal eſtate.

until removed by commiſſioners warrant.

Proviſo in caſe of ſubmiſſion.

V. Provided always, and be it enacted by the authority aforeſaid, That if ſuch perſon or perſons ſo apprehended and taken within the ſaid thirty days, ſhall ſubmit to be examined, and in all things conform, as if he had ſurrendred himſelf, as by this act ſuch bankrupt or bankrupts is or are required, then ſuch perſon or perſons ſo ſubmitting and conforming, ſhall have the benefit of this act, to all intents and purpoſes, as if he had voluntarily come in and ſurrendred himſelf; any thing herein to the contrary notwithſtanding.

Goods of felons to be divided among the creditors.

VI. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall by reaſon of this act incur the penalty of felony, that then ſuch felon's goods and eſtate ſhall go to, and be divided amongſt the creditors ſeeking relief by ſuch commiſſion; any law, uſage or cuſtom to the contrary in any wiſe notwithſtanding.

VII. And

VII. And be it further enacted by the authority aforesaid, That all and every person and persons so becoming bankrupt, as aforesaid, who shall, within the time limited by this act, surrender him, her, or themselves to the major part of the commissioners therein named, and in all things conform as in and by this act is directed, shall be allowed the sum of five pounds *per centum* out of the neat product of all the estate that shall be recovered in and received on such discovery, which shall be paid unto him by the assignee or assignees of the said commissioners, so as the said five pounds *per centum* shall not amount in the whole to above the sum of two hundred pounds, and shall be discharged from all debts by him, her, or them due and owing at the time that he, she, or they did become bankrupt; and in case any such bankrupt shall afterwards be arrested, prosecuted or impleaded for any debt due before such time as he, she, or they became bankrupt, such bankrupt shall be discharged upon common bail, and shall and may plead in general, That the cause of such action or suit did accrue before such time as he became a bankrupt, and may give this act and the special matter in evidence, and if a verdict pass for the defendant, or the plaintiff shall become nonsuited, or judgment be given against the plaintiff, the defendant shall recover his costs as in other cases. Allowance to bankrupts conforming themselves to the act.

VIII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That if the neat proceed of such bankrupts estate so to be discovered, recovered and received, together with what shall be otherwise recovered and received, shall not amount to so much as will pay all and every the creditors of such bankrupt the sum of eight shillings in the pound, after all charges first had and deducted, that then, and in such case, such bankrupt shall not be allowed the said sum of five pounds *per centum*, of such estate as shall be so recovered in, but shall be allowed and paid by the assignees, so much money as the said assignees and the major part of the said commissioners shall think fit to allow to such bankrupt, and no more. Proviso in case the neat proceed of bankrupts estate amounts not to pay 8s. in the pound.

IX. And for the better discovery of the said bankrupts estate, in case he, she or they shall refuse or neglect to surrender him, her or themselves, and conform to this act, as aforesaid; be it enacted by the authority aforesaid, That all and every person and persons, who shall have accepted of any trust or trusts, and conceal or protect any estate, either real or personal of any person becoming bankrupt, as aforesaid, from his, her or their creditors, and shall not within thirty days next after such commission shall issue forth, and notice thereof given to such person or persons, discover and disclose such trust and estate in writing, to some one of the commissioners, and submit himself to be examined by the commissioners, or such major part of them as by the said commission shall be authorized, and truly discover the same, shall forfeit the sum of one hundred pounds, and double the value of the estate, either real or personal so concealed, to and for the use and benefit of the said creditors, to be recover- Penalty on persons concealing bankrupts estates.

ed by action of debt, in any of her Majesty's courts of record, in the name of the assignees of the said commissioners, in which case costs shall be allowed to either party as in other common cases.

3l. per cent. allowed on discovery.

X. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall within sixty days next after the time allowed to such bankrupt to surrender himself, and conform, as aforesaid, voluntarily come in and make discovery of any part of such bankrupts estate, before the major part of the said commissioners, shall be allowed the sum of three pounds *per centum*, out of the neat proceed of all that shall be recovered on such discovery, which shall be paid to the person or persons so discovering the same, by the assignee or assignees to whom the same shall be assigned.

Commissioners, &c. to adjust accounts between bankrupts and their debtors.

XI. And be it further enacted by the authority aforesaid, That where there shall appear to the commissioners, or the major part of them, that there hath been mutual credit given between such person or persons, against whom such commission shall issue forth, and any person or persons who shall be debtor or debtors to such person or persons, and due proof thereof made, and that the accounts are open and unballanced, That then it shall be lawful for the commissioners in the said commission named, or the major part of them, or the assignee or assignees of such commission, to adjust the said account, and to take the ballance due in full discharge thereof, and the person debtor to such bankrupt, shall not be compelled or obliged to pay more than shall appear to be due on such balance.

Proviso in case of marriage-portion.

XII. Provided always, and be it enacted by the authority aforesaid, that nothing in this act shall be construed to extend to grant any privilege, benefit or advantage to any bankrupt whatsoever, against whom a commission under the great seal shall issue forth, who hath, for or upon marriage of any of his or her children, given, advanced or paid, above the value of one hundred pounds, unless he or she shall prove, by his or her books fairly kept, or otherwise, and upon his or her oath, before the major part of the commissioners in such commission named, that he or she had at the time thereof, over and above the value so given, advanced or paid, remaining in goods, wares, debts, ready money, or other real or personal estate sufficient to pay and satisfy unto each and every person to whom he or she was any way indebted, their full and intire debts.

Commissioners to appoint 3 meetings within the 39 days.

XIII. Provided always, and be it enacted by the authority aforesaid, That the said commissioners, or the major part of them, shall appoint within the said thirty days, not less than three several meetings for the purposes aforesaid, the last of which shall be on the said thirtieth day hereby limited for such bankrupts appearance.

Persons sued may plead the general issue.

XIV. Provided always, and be it hereby enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted by any action, bill, plaint or information, for any thing done or to be done by him, her or them in prosecution of this

this act, it shall and may be lawful to and for such person or persons to plead the general issue, and to give this act, and the special matter in evidence.

Persons becoming bankrupts by gaming, &c. to have no benefit of act.

XV. Provided also, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend to give or grant any liberty, privilege, benefit or advantage in this act mentioned, to any person whatsoever, against whom a commission of bankrupts shall be awarded, who shall have lost in any one day the sum or value of five pounds, or in the whole the sum or value of one hundred pounds, within the space or term of twelve months next preceding his or her becoming a bankrupt, in playing at or with cards, dice, tables, tennis, bowles, shovel-board, or in or by cock-fighting, horse-races, dog-matches, or foot-races, or other pastimes, game or games whatsoever, or in or by bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play, act, ride or run, as aforesaid.

Act to continue for 3 years. *Continued for five years by* 7 An. c. 25. §. 4.

XVI. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of three years, and from thence to the end of the next session of parliament, and no longer.

Encouragement to bankrupts to surrender themselves.

XVII. And for the better encouragement of such persons as already are become bankrupts, to make a true and just discovery of their estates, and to deliver the same up for the use and benefit of their creditors; be it further enacted by the authority aforesaid, That all and every person and persons who are become bankrupts, and against whom a commission of bankrupt hath issued, before the tenth day of *March*, one thousand seven hundred and five, who shall voluntarily, on or before the four and twentieth day of *June*, one thousand seven hundred and six, surrender him, her or themselves to the commissioners in such commission named, or the major part of them, and submit to be examined from time to time upon oath by and before the said commissioners, or the major part of them, and in all things conform to the several statutes already made concerning bankrupts, and to this present act, shall to all intents and purposes have the benefit of this act.

Penalty on not discovering their estates.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That if such person or persons so voluntarily surrendring him, her or themselves, shall afterwards neglect or omit to discover and deliver his, her or their estates and effects, and in every thing act and do as in this act is directed, every such person or persons shall be taken and adjudged to be a fraudulent bankrupt within the true intent and meaning of this act, and thereof being lawfully convicted, shall suffer as a felon without benefit of clergy.

No discovery of bankrupt to entitle him to benefit of act, unless commissioners certify.

XIX. Provided also, and be it further enacted by the authority aforesaid, That no discovery upon oath to be made by any bankrupt of his or her estate and effects pursuant to this act, shall intitle such bankrupt to the benefits allowed by this act, unless the commissioners of bankrupts, or the greater part of them

tifie lord chancellor, &c. them that shall be named in the commission issued, or to be issued against him or her, shall in writing under their hands and seals, certify to the lord chancellor of *England*, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, that such bankrupt hath made discovery of his estate and effects, and in all things conformed himself according to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same is not a full discovery of all such bankrupts estate and effects; and unless such certificate shall be allowed and confirmed by the lord chancellor, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, or by such two of the judges of the courts of Queen's-Bench, Common-Pleas, and court of Exchequer at *Westminster*, to whom the consideration of such certificate shall be referred by the lord chancellor, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, and the creditors of such bankrupts are to be allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making such certificate, and against the confirmation thereof.

No expences to be allowed for eating or drinking of the commissioners, on penalty.

XX. And whereas commissions of bankrupts have been often executed with great expence in eating and drinking, at the meetings of the commissioners, or some of them therein named, to the great prejudice of the bankrupts and their creditors; be it further enacted by the authority aforesaid, That there shall not be paid or allowed by the creditors, or out of the estate of the bankrupts, any monies whatsoever for expences in eating or drinking of the commissioners, or of any other persons, at the times of the meetings of the said commissioners, or of any of the creditors, or others, in order to execute or prepare matters for the execution of such commissions; and if any person or persons named, or to be named, as a commissioner or commissioners in any such commission, shall order any such expence to be made, or eat or drink at any such meeting at the charge of the creditors, or out of the estate of such bankrupt, every such commissioner so offending, shall be disabled for ever after to act as a commissioner in such, or any other commission founded on the statutes made against bankrupts.

CAP. XVIII.

An act for enlarging the pier and harbour of Parton in the county of Cumberland.

Harbour to be enlarged. From 1 May, 1706. for eleven years to be paid to the trustees, for enlarging and repairing the pier and harbour. For every 192 gallons of coals, 2d. by the owner, and 2d. by the master of the ship. And after eleven years, one farthing only for every 192 gallons for ever. Trustees to appoint collectors of the duties. Who are to pay the monies to the receivers. Trustees to take security of the receivers and collectors. Collectors to be allowed 6d. in the pound. If duties be not paid, collectors may distrain. And on non-payment distress may be sold. No ship to be discharged until master produce collectors receipt of duties paid. Trustees may contract for repairing the harbour: and assign the place of building the pier, &c. Trustees may borrow money on credit of the duties, at 6 l. per cent. per annum. Not exceeding

exceeding 1 gool. Truſtees accounts to be examined by juſtices at quarter ſeſſions. On death of truſtees, ſurvivors to chooſe others. No balaſt, duſt, &c. to be thrown into the harbour. Perſons ſued may plead the general iſſue. Act to be allowed a publick act. EXP.

CAP. XIX.

An act for the encouragement and increaſe of ſeamen, and for the better and ſpeedier manning her Majeſty's fleet.

X. AND for the encouragement of all ſeamen, who are or ſhall be in her Majeſty's ſervice at ſea, it is hereby declared and enacted by the authority aforeſaid, That every ſeaman who from and after the five and twentieth day of *March*, one thouſand ſeven hundred and ſix, ſhall be turned over from one ſhip to another in her Majeſty's ſervice, or turned aſhore, as not being fit for her Majeſty's ſervice, ſhall be paid his wages which ſhall appear to be due to him from the ſhip which he was turned over, before ſuch ſhip to which he ſhall be turned over do go to ſea, either in money or by a ticket, which ſhall entitle him or his aſſigns to payment within one month after the ſaid ticket ſhall be preſented to the commiſſioners of the navy at their office. How ſeamen turned over from one ſhip to another, &c. ſhall be paid.

No mariner entred, and continuing in the Queen's ſervice, to be arreſted during this war, for a debt not exceeding 20l.

XVI. *And whereas by an act made in the ſecond year of her Majeſty's reign, intituled*, An act for the increaſe of ſeamen, and better encouragement of navigation, and the ſecurity of the coal trade, *proviſion is made for putting out of pariſh children apprentices to maſters of trading ſhips and veſſels at the age of ten years*; it is hereby enacted, That no ſuch maſter ſhall be obliged to take any ſuch apprentice under the age of thirteen years, or who ſhall not appear to be fitly qualified both as to health and ſtrength of body for that ſervice; and any widow of the maſter of ſuch ſhip or veſſel, or the executor or adminiſtrator of ſuch maſter, who ſhall have been obliged to take ſuch pariſh boys apprentice to them, ſhall have the ſame power of aſſigning over ſuch apprentices to any other maſters of ſhips or veſſels, who have not their compliment of apprentices required by the ſaid recited act, to be entertained by them, as is given by the ſaid act to ſuch perſons, as have taken children apprentices in purſuance of the ſtatute made in the forty third year of Queen *Elizabeth*. 2 & 3 Anne, c. 6. No maſter of ſhip to take apprentice under 13 years old. 43 Eliz. c. 2.

XVII. *And whereas all ſuch perſons, who in purſuance of the ſaid act, have voluntarily bound, or hereafter ſhall ſo bind themſelves apprentices to ſuch maſters or owners, as therein is expreſſed, are exempted from her Majeſty's ſervice for the term of three years, from the date of their reſpective indentures: and whereas ſuch exemptions from her Majeſty's ſea ſervice for the term of three years, which was intended for the encouragement of landmen, to bind themſelves apprentices to the ſea ſervice, hath been manifeſtly abuſed for the exempting and protecting of ſeamen from the ſaid ſervice, who having bound themſelves apprentices, have claimed ſuch exemption, and demanded protections accordingly, to the great hindrance and prejudice of her Majeſty's ſea ſervice*; be it therefore further enacted and declared, That no perſon or perſons of the age of eighteen years, No apprentices to ſea ſervice of 18

years old, exempt from the Queen's service at sea.

years, shall have any exemption or protection from her Majesty's sea service, who shall have been in any sea-service before the time they bound themselves apprentices; any law or statute to the contrary thereof in any wise notwithstanding.

5 & 3 Phil. & Mar. c. 16. s. 8.

XVIII. *And whereas by an act of parliament made in the second year of the reign of King* Philip *and Queen* Mary, *intituled,* An act touching watermen and bargemen upon the river of *Thames, it was enacted, That if any person or persons, which from and after the time therein mentioned, should use and exercise the occupation of rowing betwixt* Gravesend *and* Windsor, *which in the time of the execution of any commission of pressing, that should be had for the service of the King and Queen's majesty in their affairs, should willingly, voluntarily, and obstinately withdraw, hide, or convey him or themselves in the same time of pressing, into secret places and out corners, and after, when such time of pressing is overpassed, should return and come again to the river of* Thames, *to row betwixt* Gravesend *and* Windsor *aforesaid, and that duly proved by two indifferent witnesses before the lord mayor, and court of aldermen, or justices of peace, and two of the rulers of the company of watermen, that then he or they so doing and offending, shall suffer imprisonment for the space of two weeks, and be banished any more to row from thenceforth upon the said river of* Thames, *by the space of one whole year and a day then next following: and whereas by an act made in the eleventh year of his late majesty King* William *the Third, intituled,* An act for explanation and better execution of former acts made touching watermen and wherrymen, rowing on the river of *Thames,* and for the better ordering and governing the said watermen wherrymen, and lightermen upon the said river between *Gravesend* and *Windsor, persons who keep or work, or shall be imployed in rowing or navigating any lighter or lighters, or other great craft (except, as in the said act is excepted) shall be registred in the company of watermen: and whereas in this time of war, divers watermen, bargemen, lightermen, and wherrymen, belonging to the said river, do abscond and not enter themselves into her Majesty's service; and it being highly necessary that a convenient number of such watermen, bargemen, lightermen, and wherrymen, should from time to time be obliged to serve on board her Majesty's fleet;* be it enacted by the authority aforesaid, That in case such number of them as the lord high admiral, or any three or more of the commissioners for executing the office of lord high admiral of *England* for the time being, shall from time to time give notice to the said company of watermen, there shall be occasion for to serve her Majesty, her heirs and successors, (being duly summoned by leaving notice in writing at the place of their usual abode by the company) within ten days after such summons, shall not appear before the rulers of the said watermens company, to be sent on board her Majesty's fleet, such person or persons so summoned, and being duly convicted before the lord mayor and court of aldermen of the city of *London,* or two justices of the peace of the said city, and two of the said rulers, that then he or they so doing and offending, shall suffer imprisonment during the space of one month, and be disabled

21 & 22 W. 3. c. 21.

Watermen, &c. summoned by the rulers of the company to serve on board the fleet, and not appearing, &c. to be disabled, &c.

abled from coming, or working upon the said river of *Thames*, and of enjoying any the advantages or privileges of the said company for the space of two years.

Insolvent debtors who shall before the first of May, 1706. surrender their effects to the use of their creditors; and take an oath; and enter themselves on board the navy to serve during the war; to be discharged from all debts, &c. Any three justices may go to any prison, and examine what prisoners are in for debt, not exceeding 50l. and grant their warrant for such who are able to serve, to be sent on board the fleet. None to have benefit of this act, unless he continue in the service during this war; nor be discharged out of prison if indebted more than 50l. Discharge of prisoner, not to discharge his debt, &c. EXP.

CAP. XX.

An act for the better enabling the master, wardens, and assistants of Trinity House, *to rebuild the light house on the* Edystone *rock.*

WHEREAS *in and by one act of parliament made in the eighth year of the reign of our late sovereign lady Queen* Elizabeth, *intituled,* An act to enable the master, wardens, and assistants of *Trinity House* at *Deptford Strond*, to erect sea marks, &c. *They the said master, wardens, and assistants are impowered to erect and set up beacons, marks, and signs for the sea, needful for avoiding the dangers, and to renew, continue, and maintain the same, in such manner as in the said act is mentioned: and whereas there was no, and time out of mind hath been, a very dangerous rock called the* Edystone, *lying off of* Plymouth *in the county of* Devon, *upon which divers ships and vessels have been cast away, and the lives and goods of many subjects of this kingdom lost and destroyed: and whereas upon application some time since made to the said master, wardens, and assistants, by great numbers of masters and owners of shipping, to have a light house erected upon the said rock, offering and agreeing, in consideration of the great charge, difficulty, and hazard of such an undertaking, to pay to the said master, wardens, and assistants, one penny per ton outwards, and the like inwards, for all ships and vessels which should pass by such light house (coasters excepted, who should pay twelve pence only for each voyage;) they the said master, wardens, and assistants, having a due regard to the safety and preservation of the shipping and navigation of this kingdom, did in the year of our Lord one thousand five hundred ninety six, cause a light house to be begun to be erected on the said rock, and in three years time a light was placed thereon; and the said light house in the term of five years was, with much hazard and difficulty, and a very great expence, fully built and compleated, to the great satisfaction of the flag officers and commanders of the fleet and ships of war, and of all others concerned in trade and navigation, the same being not only useful for avoiding the dangerous rock upon which it was built, but also a guide and direction to ships passing through the channel from and to all parts of the world: and whereas the said light house was preserved and kept up for several years, notwithstanding the great force and violence of the wind and sea, (to which it was exposed) until the late dreadful storm in* November, *one thousand seven hundred and three, when the same was* 8 Eliz. c. 13.

Edystone rock.

blown

blown down and deſtroyed: and whereas it was found by experience, that the ſaid light houſe (during the ſtanding thereof) was of publick uſe and benefit to this kingdom, a means to preſerve her Majeſty's ſhips of war, and the ſhipping, lives, and eſtates of her ſubjects, and was uſeful and beneficial to navigation; and foraſmuch as the ſpeedy rebuilding the ſaid light houſe is abſolutely neceſſary for avoiding the dangers attending the navigation and trade of this kingdom, and in regard the ſame is a work of great charge, hazard, and expence, and all due and proper encouragement ought to be given thereunto; to the end therefore that the ſaid maſter, wardens, and aſſiſtants, may be encouraged to new erect and build, or cauſe to be new erected and built, the ſaid light houſe, with all convenient ſpeed, and conſtantly to keep and maintain the ſame for the benefit of the navigation and trade of this kingdom; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, at the humble petition of the ſaid maſter, wardens and aſſiſtants, That from and after the kindling or placing a light uſeful for ſhipping in the ſaid light houſe, ſo intended to be re-built, as aforeſaid, there ſhall be paid to the ſaid maſter, wardens and aſſiſtants of *Trinity-Houſe* of *Deptford-Strond*, their ſucceſſors and aſſigns, by the maſters and owners of all *Engliſh* ſhips, hoys, and barks which ſhall paſs by the ſaid light houſe ſo intended to be erected, as aforeſaid, (except coaſters) the duty of one peny *per* ton outward bound, and alſo one peny *per* ton inward bound, (that is to ſay) of the merchant one moiety, and of the owner of the ſhip, hoy or bark the other moiety; and of all ſuch ſtranger or aliens ſhips and veſſels, as ſhall happen to paſs by the ſaid light houſe or beacon, the ſum of two pence for every ton of the burden of the ſaid ſhip or veſſel; and that every coaſter paſſing by the ſaid light houſe ſo to be erected, ſhall pay the duty of two ſhillings, and no more, for each time they ſhall paſs by the ſaid light houſe; the ſaid ſeveral duties to be collected and received by ſuch perſon or perſons as the ſaid maſter, wardens and aſſiſtants, or their ſucceſſors, ſhall appoint in that behalf, in ſuch port or place whence ſuch ſhip, hoy or bark ſhall ſet forth, or where ſuch ſhip, hoy or bark ſhall arrive before they load or unload the goods therein; the ſaid duties to be recovered by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, wager of law, or protection ſhall be allowed, nor more than one imparlance.

Maſter, wardens and aſſiſtants of Trinity-houſe, to new erect a light houſe on the Edyſtone rock.

Duties to be paid by all ſhips, &c. paſſing by the ſame.

Duties where recoverable. *Explained and enforced by* 8 An. c. 17.

CAP. XXI.

An act for the encreaſe and better preſervation of ſalmon and other fiſh, in the rivers within the counties of Southampton *and* Wilts.

WHEREAS *the ſalmon and ſalmon-kind of fiſh reſorting to ſpawn within the rivers and freſhes in the county of* Southampton, *and ſouthern parts of* Wiltſhire, *are in danger of utter decay, to the great loſs of this kingdom, and the royalties and fiſheries in the ſaid counties are in great meaſure conſumed and deſtroyed, by placing*

Salmon fiſheries in the counties of Southampton and Wilts.

placing divers engines and other devices in and upon the main rivers, and in the new channels, dykes, and cuts, which now are or shall be cut out of the same rivers, by means whereof the salmon stripes or kippers, as well as the young fry or smelts are taken and destroyed, and are prevented from running to the sea in season: and whereas the owners and occupiers of the salmon fisheries within the said counties, regarding only their private and greedy profit, do destroy the stock of the said fisheries, by preventing the breed of good fish to pass in season through their fishing wyres, and fishing hatch-ways, from the sea into the said rivers to spawn, and by killing such as are under size, and by fishing continually out of season, at and in the said fishing wyres and creeks of the rivers, with nets and other devices, whereby not only the increase of the species of the said fish, but also the growth thereof is in great measure destroyed; and whereas notwithstanding the many good laws before this time made, and still in force, with intent to prohibit unlawful killing or otherwise destroying the game of this kingdom, divers sturdy and disorderly persons (through defect in the said laws for sufficiently punishing of offenders, and neglecting their lawful employments) do poach with nets and angles, gins, and other unlawful engines, and by unlawful means in the night, and at other times, do take, kill, and destroy the fish, to the great detriment of the lords of manors, and the other owners and occupiers of fisheries in the said county of Southampton, *and southern parts of* Wiltshire; for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the statute made in the fourth and fifth year of the reign of King *William* and Queen *Mary*, now in force for the better preservation of the game relating to salmon fishing, and every article and thing therein contained, shall be duly put in execution, according to the tenor of the same; and that the statute made in the thirteenth year of King *Edward* the First, whereby it is provided that the waters of *Humber*, *Owse*, *Trent*, *Dover*, *Arre*, *Dervent*, *Wherse*, *Niddiere*, *Swale*, *Tese*, *Tine*, *Eden*, and all other waters wherein salmon be taken, shall be in defence from taking salmon, from the nativity of our Lady unto Saint *Martin*'s day; and likewise that young salmon shall not be taken nor destroyed by nets, nor by other engines, at mill pools, from the midst of *April* unto the nativity of Saint *John* the Baptist, and in places where fresh waters be; shall extend and be in full force, as well to all and every the rivers, creeks, and waters in the county of *Southampton*, and southern parts of *Wiltshire*, as to the waters in the last-mentioned act here above enumerated and contained, and in like manner, and under the same pains and penalties as therein mentioned and expressed.

Act 4 & 5 W. & M. c. 23. for the better preservation of salmon fishing to be put in execution; also stat. 13. Ed. 1. stat. 1. c. 47.

No young salmon to be destroyed by nets, &c.

II. And be it further enacted by the authority aforesaid, That there shall be assigned overseers of this statute, by any two or more justices of the peace, residing within five miles of the respective rivers within the said counties of *Southampton* and *Wiltshire*, under their hands and seals, from time to time, who being sworn before the said justices of the peace, shall often see and

Overseers of this act to be assigned by justices.

Who shall enquire after offenders.

and enquire after the offenders against this statute, and shall take and apprehend all and every such offender and offenders, and take and destroy all nets and other craft and engines, where they shall find the same, being kept, used, or in being contrary to this or any other act now in force relating to fishing; and all and every offender and offenders so taken or apprehended by the said overseers, or any of them, or by any other lawful means, shall be brought before some justice of the peace of the said counties, to answer for every such offence, and being convicted before any such justice of the peace for the said counties, by one or more witnesses upon oath, which oath the said justice hath hereby power to administer, or confession of such offender, shall for the first trespass or offence, forfeit a sum to be ascertained by such justice of the peace, before whom such conviction shall be made, not under twenty shillings, nor more than five pounds, and for the second trespass or offence, shall forfeit a sum not under forty shillings, to be ascertained, as aforesaid, nor more than ten pounds, and as the trespass or offence shall increase to double the penalty, to be ascertained, as aforesaid; one half thereof to be paid to the informer, and the other half thereof to the poor of the parish where the said offence or offences shall be committed; and in case the offender or offenders shall not be able, or do not on demand pay the said penalty or penalties, then he or they shall be sent by such justice of the peace, before whom such conviction shall be made, as aforesaid, to the house or houses of correction within the said respective counties where such offender or offenders shall be taken, and there kept for the space of three months.

Penalty on offenders.

No person, qualified or not, shall take or kill salmon until after the eleventh of November. *This clause repealed by* 1 Geo. 1. stat. 2. c. 18. sect. 11. *as to the owners of those fisheries, &c.*

III. And be it further enacted by the authority aforesaid, That no person or persons (not being by law duly qualified) shall hereafter kill, destroy, or wilfully hurt any salmon or salmon-kind, or any other fish, and that neither they, nor any other person or persons whatsoever, shall and may at any time or times after the thirtieth day of *June*, which shall be in the year of our Lord, one thousand seven hundred and six, take, kill, or destroy any salmon, salmon-peale, or salmon-kind, by hawks, racks, gins, nets, angles, or other devices whatsoever, until after the eleventh day of *November*, in every year, or offer to sale any of the said fish so taken, under the like pains, penalties, forfeitures, and imprisonments, as are herein before-mentioned.

Owners of meadow grounds to let salmon got into the dykes, pass into the main rivers again.

IV. And be it further enacted by the authority aforesaid, That if any salmon or salmon-kind shall go into any of the dykes, cuts, or water carriages, that then all owners and occupiers of meadow grounds in and and upon the banks of any waters or rivers in the said counties within the time limited and restrained by the said act, shall permit the said fish to pass or go out of the said cuts, or dykes, or streams, into the main rivers again, and not by any wilful means to destroy them for sale, or otherwise, under the like pains, penalties, forfeitures, and imprisonment, as afore-mentioned.

V. And

V. And be it enacted by the authority aforesaid, That all owners and occupiers of corn, fulling and paper mills, and other mills, upon any of the waters or rivers in the said counties, shall constantly keep open one scuttle or small hatch of a foot square in the waste-hatch or water-course in the direct stream, wherein no water-wheel standeth, sufficient for the salmon to pass and repass freely up and down the said rivers in the said counties, from the eleventh day of *November*, to the one and thirtieth day of *May* in every year, during which season, the old salmon and the young fry of the preceding year retire to the sea, and the breeding salmon come from the sea to spawn, and shall not make use of any nets, pots, racks, hawks, gins, or other devices whatsoever to be placed in the said scuttle or small hatch of a foot square in the said waste-hatch, in or about the said mills respectively, during the said term, to kill or destroy, or take any salmon or salmon-kind, upon the like pains, penalties, forfeitures, and imprisonment, as aforesaid; and in case they shall lay any pots or nets to catch eels, after the first day of *January*, to the tenth day of *March* in every year (which they may do) they shall set racks before them, to keep out of the said pots or nets the old salmon or kippers, which, during that season, are out of kind, and returning to the sea; and after the tenth day of *March*, to the one and thirtieth day of *May* in every year, they shall lay no pot, net, or engine, but what shall be wide enough to let the fry of salmon pass through to the sea, or shall take, or keep, or offer to sale any of the young fry, that, during the seasons aforesaid, are returning from the said rivers to the sea, upon the pains, penalties, forfeitures, and imprisonments, as aforesaid.

Owners of mills to keep open one scuttle in the waste hatch for the salmon to pass and repass, &c.

And not use nets, &c.

Eel pots to have racks before them.

VI. And be it further enacted by the authority aforesaid, That no bouges, otherwise called sea trouts, shall be taken in any of the said rivers, creeks, or arms of the sea in the counties before-mentioned, after the thirtieth day of *June*, to the eleventh day of *November* every year, upon the like pains, penalties, forfeitures, and imprisonments, as aforesaid.

No sea trouts to be taken in the rivers.

VII. *And whereas divers disorderly, idle, and mean persons, have and keep nets, angles, leaps, pitches, and other engines for the taking and killing of fish out of the ponds, waters, rivers, and fisheries in the said counties, to the damage of the owners thereof*; be it therefore enacted by the authority aforesaid, That no person or persons whatsoever shall have or keep any net, angle, leap, pitch, or other engine for taking of fish, other than as is provided for and allowed of by an act made in the second year of King *William* and Queen *Mary*, intituled, *An act for the more easy discovery and conviction of such as shall destroy the game of this kingdom*, and the subsequent acts made in the third, fourth, and fifth years of the said King *William* and Queen *Mary*, for the more easy conviction of such as shall destroy the game of this kingdom; none of which acts, or any part or matter therein contained, or in any other act relating to the preservation of the game of this kingdom, is hereby intended or deemed to be repealed.

None to keep nets, &c. other than what are allowed by 4 & 5 W. & M. c. 23. 3 & 4 W. & M. c. 10. *Here seems to be a mistake in the roll, there being no such statute as is here referred to, in* 2 W. & M. *but only in* 4 & 5 W. & M.

VIII. And

Penalties on selling salmon, &c. 1 Geo. 1. c. 18. s. 11.

VIII. And be it enacted, That if any perſon or perſons ſhall ſell or expoſe to ſale any ſalmon or ſalmon-kind in the ſaid counties, from the thirtieth day of *June*, to the eleventh day of *November* in every year, ſuch perſon or perſons ſhall for every ſalmon or ſalmon-kind ſo ſold or expoſed to ſale, be ſubject to the pains, penalties, forfeitures, and impriſonments, as aforeſaid.

Forfeitures of offenders to be levied by diſtreſs and ſale, &c.

IX. And be it further enacted by the authority aforeſaid, That all the forfeitures and penalties ariſing by conviction of any offender or offenders againſt this act, ſhall be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the juſtice before whom the offender or offenders ſhall be convicted, rendering the overplus, if any be, and for want of diſtreſs, the offender or offenders ſhall be committed to the houſe or houſes of correction in the ſaid counties, as aforeſaid.

Extent of the act.

X. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend to any county or place in this kingdom, ſave only to the ſaid county of *Southampton*, and the ſouthern parts of *Wiltſhire*; any thing herein contained to the contrary notwithſtanding.

CAP. XXII.

An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to iſſue out of the monies ariſing by the coinage-duty, any ſum not exceeding five hundred pounds, over and above the ſum of three thouſand pounds yearly, for the uſes of the mint.

12 Car. 2. c. 5.

WHEREAS *in and by one act of parliament made in the eighteenth year of the reign of his majeſty King* Charles *the Second, intituled,* An act for encouraging of coinage; *it is, amongſt other things, enacted, That there ſhould not be iſſued out of the Exchequer, of the monies accruing by the ſaid act in any one year, for the fees and ſalaries of the officers of the mint or mints, and towards the providing, maintaining, and repairing the houſes, offices, and buildings, and other neceſſaries, for aſſaying, melting-down, and coining, above the ſum of three thouſand pounds ſterling, which ſaid act has been continued, and is ſtill in force: and whereas the ſaid three thouſand pounds has been by experience found not to be ſufficient, and the reſidue of the monies ariſing by the ſaid coinage act is appropriated, as in the ſame act is mentioned;* be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the lord treaſurer, and under treaſurer, or commiſſioners of the treaſury for the time being, by orders or warrants, to iſſue out of the Exchequer, or diſpoſe of the monies ariſing by the ſaid coinage duty yearly and every year, from and after the twenty fifth day of *December*,

After 25 Dec. 1705. lord treaſurer to iſſue 500l. yearly out of the coinage duties for the

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one thouſand ſeven hundred and five, any ſum or ſums of money, not exceeding the yearly ſum of five hundred pounds, over and above the yearly ſum of three thouſand pounds above-mentioned, for the fees or ſalaries of the officers of the mint or mints; and towards the providing, maintaining, and repairing the ſaid houſes, offices, and buildings, and other neceſſaries before-mentioned: the ſaid recited act or acts, or any other law, ſtatute, or uſage to the contrary thereof in any wiſe notwithſtanding. ſalaries of the officers of the mint.

CAP. XXIII.

An act for raiſing the militia for the year one thouſand ſeven hundred and ſix, notwithſtanding the month's pay formerly advanced, be not repaid; and for an account to be made of trophy monies. EXP.

CAP. XXIV.

An act to enlarge the time for regiſtring unſatisfied debentures upon the forfeited eſtates in Ireland, and for renewing of other debentures, which have been loſt, burnt, or deſtroyed. EXP.

CAP. XXV.

An act for the paying and clearing the ſeveral regiments commanded by lieutenant general Stewart, colonel Hill, and brigadier Holt, and for ſupplying the defect of the muſter-rolls of thoſe and ſeveral other regiments. EXP.

CAP. XXVI.

An act for making effectual a grant of their late majeſties King William *and Queen* Mary, *of the town and lands of* Seatown *to the archbiſhoprick of* Dublin, *and for reſtoring the ſame to the ſaid ſee.*

WHEREAS *by the acts of ſettlement and explanation heretofore made and paſſed in the kingdom of* Ireland, *it was enacted, That ſo much of the then forfeited lands as were anciently the right and inheritance of the ſee of* Dublin, *but granted in fee-farm by the former archbiſhops of that ſee, in the time of popery, under a reſervation of chief rent from the then forfeiting perſons, or thoſe under whom they claimed, ſhould be ſet out in augmentation to the ſaid ſee, as ſhould complete the revenue thereof to the ſum of two thouſand pounds* per annum; *and purſuant thereunto the late commiſſioners for putting in execution the ſaid acts, did ſet out to the then archbiſhop of* Dublin, *and his ſucceſſors, ſeveral lands, and as part thereof, the lands of* Seatown, Newton, Blackall, Gamble, Smithsland, *and ſeveral other lands and tenements in and about the town of* Swords, *containing together four hundred thirty ſeven acres, lying in the barony of* Nethercroſs, *in the county of* Dublin (*being formerly the propriety of* Chriſtopher Ruſſell, *a forfeiting perſon:*) *and whereas the ſaid archbiſhop, and his ſucceſſors, remained in full and quiet poſſeſſion of the ſaid town and lands, till the year one thouſand ſix hundred eighty and eight, when* Bartholomew Ruſſell, *ſon of the ſaid* Chriſtopher Ruſſell, *ſet up a pretended title to the ſaid town and lands, and the late earl of* Tirconnell, *being chief governor of the kingdom of* Ireland, *and the judges being* Iriſh *papiſts,* Forfeited lands anciently the inheritance of the ſee of Dublin. Seatown, Newtown, Blackhall, Gamble, Smithsland. Chriſtopher Ruſſell a forfeiting perſon, Bartholomew Ruſſell his ſon,

judgment was given againſt the then archbiſhop of Dublin, *in favour of the ſaid* Bartholomew Ruſſell, *and he obtained poſſeſſion of the ſaid town and lands, and continued in the poſſeſſion thereof, until the reduction of the ſaid kingdom of* Ireland, *by his late majeſty King* William *the Third, of glorious memory: and whereas the ſaid* Bartholomew Ruſſell, *being actually engaged in the ſaid rebellion, he was indicted and attainted by outlawry of treaſon, and died ſo attainted: and whereas their late Majeſties, by their letters patent, bearing date on or about the ſixth day of* September, *in the ſixth year of their ſaid late majeſties reign, did give, grant and confirm unto* Narciſſus, *then lord archbiſhop of* Dublin, *and his ſucceſſors the archbiſhops of* Dublin *for ever, all that and thoſe the aforeſaid town and lands, and alſo all the eſtate, right, title, and intereſt, which their ſaid late Majeſties then had, or might, or ought to have had of, in, and to the premiſſes, or any part or parcel thereof, by force of the aforeſaid ſeveral acts of ſettlement or explanation, or either of them, or otherwiſe howſoever, to hold unto the ſaid* Narciſſus *archbiſhop of* Dublin, *and his ſucceſſors, archbiſhops of* Dublin, *for ever; to the uſe of the ſaid archbiſhop and his ſucceſſors for ever, paying therefore thereout yearly, unto their ſaid late Majeſties and their ſucceſſors, the ſeveral yearly rents therein particularly mentioned, amounting in the whole to the ſum of nine pounds, eighteen ſhillings, and eleven pence halfpenny, to be paid into the Exchequer of the kingdom of* Ireland, *at the feaſt of Saint* Michael *the archangel, and the annunciation of the bleſſed virgin* Mary, *half-yearly: and whereas by reaſon the late archbiſhop of* Dublin, *did not proſecute a claim made of the ſaid premiſſes in the right of his church, before the perſons nominated and appointed truſtees for the putting in execution the powers and authorities relating to the forfeited and other eſtates and intereſts in* Ireland, *in and by an act made in the eleventh year of the reign of his late majeſty King* William *the Third, intituled,* An act for granting an aid to his Majeſty by ſale of the forfeited and other eſtates and intereſts in *Ireland*, and by a land-tax, for the ſeveral purpoſes therein mentioned, *the ſaid archbiſhop of* Dublin *was put out of poſſeſſion of all and ſingular the ſaid premiſſes, and the ſame were expoſed and put to ſale by the ſaid truſtees, as the eſtate of the ſaid* Bartholomew Ruſſel: *and whereas by indenture bearing date on or about the twenty third day of* June, *in the year of our Lord one thouſand ſeven hundred and three, made, or mentioned to be made, between Sir* Ceryll Wych *knight*, Francis Anneſley *eſq*; John Baggs *eſq*; John Trenchard *eſq*; John Iſham *eſq*; Henry Langford *eſq*; James Hooper *eſq*; John Cary *gentleman*, *Sir* Henry Shere *knight*, Thomas Harriſon *eſq*; William Fellowes *eſq*; *and* Thomas Rawlins *eſq*; *ſurviving truſtees, nominated and appointed for putting in execution the powers and authorities relating to the forfeited and other eſtates and intereſts in* Ireland, *enacted in and by the aforeſaid act, intituled,* An act for granting an aid to his majeſty by ſale of the forfeited and other eſtates and intereſts in *Ireland*, and by a land-tax, for the ſeveral purpoſes therein mentioned, *of the one part, and the moſt reverend father in God, doctor* William King, *lord archbiſhop of* Dublin, *of the other part, the ſaid ſir*

attainted of treaſon.

Seatown, &c. granted to the archbiſhop of Dublin, and his ſucceſſors for ever.

Archbiſhop not proſecuting a claim of the premiſſes before the truſtees, in right of his church.

11 & 12 W. 3. c. 2.

The ſame ſold by the truſtees to Dr. William King, lord archbiſhop of Dublin, and his heirs.

11 & 12 W. 3. c. 2.

Sir Ceryll Wych, Francis Annesley, John Baggs, John Trenchard, John Isham, Henry Langford, James Hooper, John Cary, *Sir* Henry Shere, Thomas Harrison, William Fellowes, *and* Thomas Rawlins, *pursuant to the said act of parliament, and to another act of parliament then lately made, intituled,* An act for advancing the sale of the forfeited estates in *Ireland*, and for vesting such as remained unsold by the then trustees, in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees, and for the more effectual selling and setting the said estates in protestants, and for explaining several acts relating to the lord *Bophen* and sir *Redmund Everard*, *and in execution of the powers and authorities to them thereby given, and in consideration of the sum of three thousand one hundred and five pounds sterling, paid and secured to be paid by the said doctor* William King, *lord archbishop of* Dublin, *in such manner as therein is mentioned, for the absolute purchase of the lands therein and herein after mentioned, they the said trustees did bargain and sell unto the said doctor* William King, *archbishop of* Dublin, *all that and those the town and lands of* Seatown, *containing by estimation two hundred thirty four acres, and thirty two perches profitable land, plantation measure, more or less*; Newtown *containing one hundred and seventeen acres, and like land and measure, more or less*; Blackall *and* Gamble, *containing one hundred and seventy acres, and like land and measure more or less*; *and all those lands known by the name of* Smith's *land, with the several gardens, plots, and cabins in the town of* Swords; *and all that parcel of land in* Broad Meadow, *containing two acres, three roods, and sixteen perches profitable land, plantation measure, be the same more or less*; *lately belonging to the said* Bartholomew Russell, *attainted as aforesaid*; *with all messuages, edifices, ways, waters, watercourses, woods, underwoods, commons, and all other rights, members, appendencies, and appurtenances thereunto belonging, or in any wise appertaining, and the reversions and remainders thereof, to hold to the said doctor* William King, *lord archbishop of* Dublin, *his heirs and assigns, subject to a yearly quit rent of nine pounds eighteen shillings eleven pence half penny reserved to her Majesty, her heirs, and successors, as by the said recited letters patents, deed and other proceedings, relation being thereunto had, may more at large appear: and whereas by virtue of the said last recited indenture, the inheritance of the said town and lands herein last-mentioned, was vested in the said lord archbishop of* Dublin, *and his heirs, in his natural capacity, the benefit of which grant and conveyance (although the same is of very great advantage) he the said* William *lord archbishop of* Dublin *is willing to quit, so that the said lands may be restored to the church: to the intent therefore that the pious intentions of their late majesties King* William *and Queen* Mary, *in granting the said town, lands, and premisses to the see of* Dublin *may take effect*, May it please your most excellent Majesty, That it may be enacted, *&c.*

1 Annæ, stat. 2. c. 21.

For 3105l. sterling.

town and lands, &c. sold by trustees, &c. vested in the said archbishop, and his successors for ever, and annexed to the revenues of the see. Subject to the yearly rent to the Queen. Archbishop to be reimbursed his purchase-

purchaſe-money, by army debentures. Leaſes of lands, &c. veſted in archbiſhop ſhall be made at the improved rent, and to proteſtants only. Leaſes made at leſs than full yearly rent, ſucceſſor may avoid the ſame.

CAP. XXVII.

An act for the impropriate tithes of the pariſh of Saint Bridget alias Brides, London.

Anno Regni ANNÆ *Reginæ quinto.*

AT *the parliament ſummoned to be held at* Weſtminſter *the fourteenth day of* June, Anno Dom. 1705. *in the fourth year of the reign of our ſovereign lady* Anne, *by the grace of God, of* England, Scotland, France, *and* Ireland, *Queen, defender of the faith,* &c. *and from thence continued by ſeveral prorogations to the five and twentieth day of* October, 1705; *and then begun and holden being the firſt ſeſſion of this preſent parliament. And from thence continued by ſeveral prorogations to the third day of* December, 1706*, *being the ſecond ſeſſion of this preſent parliament.*

* *In the roll it is added,* and further continued by adjournments till the eighth day of April in the ſixth year of her Majeſty's reign.

CAP. I.

An act for granting an aid to her Majeſty by a land tax to be raiſed in the year one thouſand ſeven hundred and ſeven, 4*s. in the pound.* EXP.

CAP. II.

An act for continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeven. EXP.

CAP. III.

An act for the ſettling of the honours and dignities of John *duke of* Marlborough *upon his poſterity, and annexing the honour and manor of* Woodſtock, *and houſe of* Bleinheim, *to go along with the ſaid honours.*

WHEREAS *the lords ſpiritual and temporal in parliament aſſembled, having with much ſatisfaction conſidered the many great actions which* John *duke of* Marlborough *has performed in her Majeſty's ſervice, to the honour of his country, and for the good of the common cauſe of* Europe, *(ſuch actions as the wiſeſt and greateſt people have rewarded with ſtatues and triumphs) and being extremely deſirous to expreſs the juſt ſenſe they have of his merit in a peculiar and diſtinguiſhing manner, and in order to perpetuate the memory thereof, that his titles and honours, with his right of precedence, might be ſettled and continued in his poſterity by act of parliament, as the method moſt effectual for that end, and beſt ſuiting ſo great an occaſion: yet having always a juſt regard for the prerogatives of the crown (her Majeſty being the ſole fountain of honour) thought it their duty, in the firſt place, by their humble addreſs, to have recourſe to her Majeſty for her royal allowance, before any order given for bring-*

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ing in a bill of ſuch a nature; and by their ſaid addreſs did humbly deſire, her Majeſty would be graciouſly pleaſed to let them know, in what manner it would be moſt acceptable to her Majeſty, the ſaid titles and honours ſhould be limited: in anſwer whereto, her Majeſty hath been pleaſed moſt graciouſly to declare, that nothing could be more acceptable to her than the ſaid addreſs, and that ſhe was entirely ſatisfied with the ſervices of the duke of Marlborough, *and therefore could not but be pleaſed they had ſo juſt a ſenſe of them; and did thereby declare her royal intention to be, That after the determination of the eſtate which the duke of* Marlborough *now has in his titles and honours, the ſame ſhould be limited in ſuch manner as is herein after declared and enacted; and her Majeſty was pleaſed in her moſt gracious anſwer to the ſaid addreſs, further to declare, That ſhe thought it would be proper that the honour and manor of* Woodſtock, *and the houſe of* Bleinheim, *ſhould always go along with the titles, and did therefore recommend that matter to their conſideration: and the duke of* Marlborough *thereupon declaring, that he had made it his humble requeſt to her Majeſty, and did now deſire, That the manor and park of* Woodſtock, *and the houſe of* Bleinheim, *after the deceaſe of the dutcheſs of* Marlborough, *ſhould go along, and be enjoyed with the titles: and whereas the ſaid* John *duke of* Marlborough, *was by ſeveral letters patents, created baron* Churchill *of* Sandridge, *and earl of* Marlborough, *to him and the heirs males of his body: and by letters patents, bearing date the fourteenth day of* December, *in the firſt year of her now Majeſty's reign, was created marqueſs of* Blandford, *and duke of* Marlborough, *to him and the heirs males of his body:* therefore for perpetuating the memory of the ſeveral great actions performed by the ſaid duke, and for ſettling and continuing the titles and honours aforeſaid, and the right of precedence, in his poſterity; may it pleaſe your moſt excellent Majeſty, that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That in default of heirs males of the body of the ſaid duke of *Marlborough* iſſuing, the ſtates, degree, ſtiles, titles, dignities, and honours, aforeſaid, ſhall continue, remain, be veſted in, and ſhall be held and enjoyed by the lady *Harriot*, eldeſt daughter of the ſaid duke of *Marlborough*, and wife of *Francis Godolphin* eſquire, ſon and heir apparent of *Sidney* lord *Godolphin*, lord high treaſurer of *England*, and the heirs males of her body begotten: and for default of ſuch iſſue, ſhall continue, remain, be veſted in, and held and enjoyed by *Anne* counteſs of *Sunderland*, ſecond daughter of the ſaid duke of *Marlborough*, and wife of *Charles* earl *Sunderland*, and the heirs males of her body begotten: and for default of ſuch iſſue, ſhall continue, remain, be veſted in, and held and enjoyed by *Elizabeth* counteſs of *Bridgewater*, third daughter of the ſaid duke of *Marlborough*, and wife of *Scroope* earl of *Bridgewater*, and the heirs males of her body begotten: and for default of ſuch iſſue, ſhall continue, remain, be veſted in, and held and enjoyed by the lady *Mary*, youngeſt daughter of the ſaid

Honour and manor of Woodſtock and houſe of Blenheim.

Baron Churchill of Sandridge and earl of Marlborough, marqueſs of Blandford, and duke of Marlborough.

Duke of Marlborough's titles, &c. to be enjoyed by the lady Hariott Godolphin, and her heirs male, &c.

Remainders to Anne counteſs of Sunderland, Elizabeth counteſs of Bridgwater,

Lady Mary Monthermer.

ſaid duke of *Marlborough*, and wife of *John Montagu* eſquire, called marqueſs of *Montbermer*, ſon and heir apparent of *Ralph* duke of *Montagu*, and the heirs males of her body begotten: and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the ſaid duke of *Marlborough*, to be begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing, the elder of ſuch daughters, and the heirs males of her body, to be preferred and take before the younger of ſuch daughters, and the heirs males of her body: and for default of ſuch iſſue, then to continue, remain, and be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid lady *Harriott Godolphin* begotten, and the heirs males of the body of ſuch firſt daughter begotten: and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid lady *Harriott Godolphin*, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters, and the heirs males of her body, to be preferred and take before the younger of ſuch daughters, and the heirs males of her body: and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid *Anne* counteſs of *Sunderland* begotten, and the heirs males of the body of ſuch firſt daughter begotten: and for want of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid *Anne* counteſs of *Sunderland* begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters, and the heirs males of her body to be preferred and take before the younger of ſuch daughters, and the heirs males of her body: and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid *Elizabeth*, counteſs of *Bridgwater* begotten, and the heirs males of the body of ſuch firſt daughter begotten: and for want of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid *Elizabeth* counteſs of *Bridgwater* begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters and the heirs males of her body to be preferred and take before the younger of ſuch daughters, and the heirs males of her body: and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid lady *Mary Montagu* begotten, and the heirs males of the body of ſuch firſt daughter begotten: and for want of ſuch iſſue, then to continue, remain, be veſted in, and

held

held and enjoyed by all and every other the daughter and daughters of the body of the said lady *Mary Montagu* begotten, severally and successively, one after the other, as they shall be in priority of birth; the elder of such daughters, and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body: and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every daughter and daughters of every other daughter of the said duke of *Marlborough* to be begotten, severally and successively, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder daughter of every such daughter, and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body; the daughter and daughters of the elder of such hereafter to be born daughters, and the heirs males of her and their respective bodies issuing, to be preferred, and take in manner aforesaid, before the daughter and daughters of the younger of such after-born daughters: and for default of such issue, to all and every other the issue male and female lineally descending of or from the said duke of *Marlborough*, in such manner, and for such estate, as the same are before limited to the before-mentioned issue of the said duke; it being intended, and hereby enacted, That the said honors shall continue, remain, and be vested in all the issue of the said duke, so long as any such issue male or female shall continue, and be held and enjoyed by them severally and successively, in manner and form aforesaid; the elder and the descendents of every elder issue to be preferred before the younger of such issue.

Dukes daughters to whom the said honours shall come, to have the same place and precedence, &c.

II. And be it further enacted by the authority aforesaid, That all and every the daughters of the said duke of *Marlborough*, and the heirs males of their respective bodies, and all and every the daughters of each and every daughter of the said duke of *Marlborough*, and the heirs males of their respective bodies, and all other persons, to whom the said honours, titles, and dignities shall come, and when, and as the same shall come unto them respectively, according to the limitations in this act, shall in all assemblies and places, have and enjoy the same place and precedence as the said duke of *Marlborough*, or any the heirs males of his body hath or ought to have or enjoy, by virtue of the said letters patents bearing date the said fourteenth day of *December*, in the first year of her Majesty's reign.

Entail of the honour of Woodstock, Bleinheim house, and the hundred of Wootton.

III. *And to the intent that the honour, manor, and park of* Woodstock *in the county of* Oxford, *and the house now erecting there, called* Bleinheim, *and the hundred of* Wootton *in the said county, and all other the manors, messuages, lands, tenements, and hereditaments, which in and by certain letters patents under the great seal of* England, *bearing date the fifth day of* May, *in the fourth year of her Majesty's reign, were by her Majesty, pursuant to an act of parliament passed in the then last session of parliament, granted to the said duke of* Marlborough *and his heirs, and the advowsons thereby granted,*

granted, may always go along and be enjoyed with the titles, honours, and dignities aforesaid, as hereafter is mentioned; be it further enacted by the authority aforesaid, that the said duke of *Marlborough* shall stand and be seized of all the said honour, manor, and park of *Woodstock*, manors, house, and premisses, granted by the said last-mentioned letters patents, for and during the term of his natural life, without impeachment of waste; and from and after his decease the same shall be and remain unto, and be held and enjoyed by *Sarah* dutchess of *Marlborough*, wife of the said duke, for and during the term of her natural life; and from and after her decease the same shall be and remain unto, and be held and enjoyed by the heirs males of the body of the said duke of *Marlborough* begotten; and for default of such issue, then the same shall be and remain unto, and be held and enjoyed by all and every the daughters of the said duke of *Marlborough*, and the heirs males of their respective bodies issuing, and all others severally and successively, in such manner as the said titles, honours, and dignities aforesaid are herein before expressed and limited to go, and be enjoyed.

Duke may grant leases of any the manors, &c. except of the house and park,

IV. And be it further enacted by the authority aforesaid, That the said duke of *Marlborough*, and after his decease the said dutchess of *Marlborough*, shall have full power and authority, by deed indented, to make any lease or leases in possession, of all or any of the said manors, hundred, messuages, lands, tenements, and hereditaments aforesaid (other than and except the house called *Bleinheim*, and the park of *Woodstock*) for any number of years, not exceeding one and twenty years, or for any number of years determinable upon one, two, or three lives, reserving the best and most improved rent that can then be had for the same, without taking any fine.

for 21 years.

Neither the duke nor his heirs, &c. shall bar any person on whom the premisses are limited from enjoying the same, &c.

V. Provided always, and be it further enacted by the authority aforesaid, That neither the said duke of *Marlborough*, or the heirs males of his body, nor any of his daughters, or the heirs males of their bodies, or any other person to whom the premisses shall come or descend by virtue of the limitations aforesaid, shall have any power by fine or recovery, or any other act, assurance or conveyance in the law, to hinder, bar, or disinherit any the person or persons to or upon whom the said manors, house, lands, tenements, hereditaments or premisses, are hereby vested or limited, from holding or enjoying the same, according to the limitations before in this act mentioned, other than and except such leases as the said duke and dutchess may make, by virtue of the powers herein before-mentioned, and such other leases as tenants in tail may and are enabled to make, by virtue of the statute made in the two and thirtieth year of the reign of King *Henry* the Eighth, and grants of lands or tenements held by copy of court roll, according to the customs of the respective manors aforesaid; but all such fines, recoveries, act, assurances and conveyances, other than such leases, and grants by copy, as aforesaid, shall be, and are hereby declared and enacted to be void.

32 H. 8. c. 28.

VI. And

VI. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken, in all cases, and in all courts and places, a publick act. Act to be a publick act.

CAP. IV.

An act for settling upon John *duke of* Marlborough *and his posterity, a pension of five thousand pounds* per annum, *for the more honourable support of their dignities, in like manner as his honours and dignities, and the honour and manor of* Woodstock, *and house of* Bleinheim, *are already limited and settled.*

MOST *gracious sovereign, Whereas the most noble* John *duke of* Marlborough, *was by several letters patents, created baron* Churchill *of* Sandridge, *and earl of* Marlborough, *to him and the heirs males of his body: and by other letters patents, bearing date the fourteenth day of* December, *in the first year of your Majesty's reign, in consideration of his great and eminent services to your Majesty and your allies, as well by his prudent negotiations as your Majesty's plenipotentiary at the* Hague, *where to the mutual advantage of your Majesty and the States General of the United provinces, he settled an intire confidence between your Majesty and the States General, as by his valour and good conduct in the command of the confederate armies abroad, was created marquiss of* Blandford, *and duke of* Marlborough, *to him and the heirs males of his body: and whereas by other letters patents under the great seal of* England, *bearing date the two and twentieth day of* December, *in the first year of your Majesty's reign, your Majesty was graciously pleased, as a further mark of your royal favour and satisfaction with his services aforesaid, and for the better support of his said dignity, to give and grant unto the said* John *duke of* Marlborough, *one annuity or yearly pension of five thousand pounds of lawful* English *money, to be issuing and payable out of the rents, issues, profits, incomes, revenues, sum and sums of money whatsoever, due and payable, or which should from time to time arise, grow, due, or be payable out of, by, or in respect of your Majesty's general letter office, post office, or office of post master general, or for or by reason of the postage or carriage of letters, packets, or other things within your Majesty's kingdom of* England, *or elsewhere, to have, receive, and enjoy the said annuity or yearly pension of five thousand pounds, unto the said* John *duke of* Marlborough, *and the heirs males of his body, for and during your Majesty's natural life, the same to be computed from the feast of Saint* Michael *the archangel then last past, and to be paid quarterly at the four most usual feasts or terms in the year (that is to say) the feast of the birth of our Lord Christ, the annunciation of the blessed virgin* Mary, *the nativity of Saint* John *the Baptist, and Saint* Michael *the archangel, by even and equal portions: and whereas an act passed in the third year of your Majesty's reign, intituled,* An act for the better enabling her Majesty to grant the honour and manor of *Woodstock*, with the hundred of *Wootton*, to the duke of *Marlborough* and his heirs, in consideration of the eminent services by

5000l. per annum granted to the duke of Marlborough, out of the post office, during the Queen's life. 3 & 4 Anne, c. 6.

by him performed to her Majesty and the publick, *wherein 'tis mentioned and recited, That the eminent and unparallel'd services of the said duke to your Majesty and the crown of* England, *were well known, not only to your Majesty and all your subjects, but to all* Europe; *and that the alliances which your Majesty's royal brother King* William *the Third, of glorious memory, had, in a little time before his death, contracted, by the ministry of the said duke, as his Majesty's ambassador extraordinary and plenipotentiary to the States General of the United Provinces, for preserving the liberties of* Europe *against the ambition of* France, *were immediately after your Majesty's happy accession to the throne, by the said duke, then employed by your Majesty in the same character, confirmed and improved, and that others were contracted, whereby the confederacy, which had been dissolved at the end of the last war, was re-united in a stricter and firmer league; and that in the first year of your Majesty's reign, the said duke of* Marlborough *had so well executed his commission of captain general and commander in chief of your Majesty's forces, that he not only secured and extended the frontier of* Holland, *by taking the towns and fortresses of* Venlo, Ruremond, Stevenswart *and* Liege, *but soon obliged the enemy, (who had been at the gates of* Nemeghen) *to seek shelter behind their lines; and in the next campaign, by taking* Bon, Huy, *and* Limburg, *added all the country between the* Rhine *and the* Maes *to the conquests of the preceding year; and that in the memorable year one thousand seven hundred and four, when your Majesty was generously pleased to take the resolution of rescuing the empire from that immediate ruin, to which, by the defection of the elector of* Bavaria, *it was exposed, the measures, which by your Majesty's wisdom and goodness had been devised and concerted, were pursued by the said duke with the utmost diligence, secrecy, and good conduct, in leading the forces of your Majesty and your allies, by a long and difficult march, to the banks of the* Danube; *where the said duke immediately upon his arrival, did attack and force the* Bavarians, *(assisted by the* French) *in their strong intrenchments at* Schellenbergh, *passed the* Danube, *distressed the country of* Bavaria, *and a second time fought the enemy, who had been reinforced by a royal army of the* French *King's best troops, commanded by a marshal of* France, *and on the second day of* August, *one thousand seven hundred and four, after a bloody battle at* Bleinheim *(although the enemy had the advantage of number and situation) gain'd the most absolute and glorious victory as had been recorded in the history of any age, by which* Bavaria *being intirely reduced, and* Ratisbon, Augsbourgh, Ulm, Memmingen, *and other imperial towns recovered, the liberty of the diet and the peace of the empire were restored, and* Landau, Treeves, *and* Traarbach *being taken, the war was carried into the dominions of* France; *all which happy atchievements of the said duke apparently tended, not only to the honour and safety of your Majesty and your subjects, and of their posterity, but also towards the future tranquility of* Europe; *and that your Majesty's most dutiful and loyal subjects, the commons of* England *in parliament assembled, thought themselves thereupon obliged in an humble address to your Majesty, to express their sense of the said glorious victories, and humbly to desire*

Preamble of the act.

The duke of Marlborough's services.

Battle of Schellenbergh

Battle of Bleinheim.

your

your Majeſty, That you would be graciouſly pleaſed to conſider of ſome proper means to perpetuate the memory of ſuch ſignal ſervices; and that your Majeſty was thereupon pleaſed to ſignify your intention to grant the intereſt of the crown in the honor and manor of Woodſtock *and hundred of* Wootton *to the ſaid duke and his heirs; whereupon at the humble petition of your Majeſty's moſt dutiful and loyal commons, it was enacted, That it ſhould and might be lawful to and for your Majeſty by any letters patents, under the great ſeal of* England, *to give and grant unto the ſaid* John *duke of* Marlborough, *and his heirs and aſſigns for ever, all that the ſaid honor and manor of* Woodſtock, *and the hundred of* Wootton, *and the park of* Woodſtock *in the county of* Oxon, *and divers other manors, meſſuages, lands, tenements, and hereditaments, in the ſaid recited act particularly mentioned or deſcribed; to be held of your Majeſty, your heirs and ſucceſſors, as of your caſtle of* Windſor, *in free and common ſoccage, by fealty, rendring to your Majeſty, your heirs and ſucceſſors, on the ſecond day of* Auguſt *yearly for ever, at your ſaid caſtle of* Windſor, *one ſtandard or colours with three flower de luces painted thereupon, for all manner of rents, ſervices, exactions, and demands whatſoever: in purſuance of which ſaid act of parliament, your Majeſty by your letters patents, bearing date the fifth day of* May, *in the fourth year of your Majeſty's reign, was graciouſly pleaſed to grant all that the ſaid honor and manor of* Wooſtock *and hundred of* Wootton, *and divers other manors, meſſuages, lands, tenements, and hereditaments, in the ſaid letters patents particularly mentioned or deſcribed, to the ſaid duke of* Marlborough, *his heirs and aſſigns for ever: and whereas in the beginning of the year, one thouſand ſeven hundred and five, the ſaid duke of* Marlborough *led your Majeſty's forces, and thoſe of the allies to the* Moſelle, *where, by the progreſs made in the preceding year, a fair proſpect was afforded of removing the war from the countries of your allies, into the enemy's own territories, but that great deſign, through unforeſeen accidents, was rendred impracticable; and the enemy taking advantage of the remoteneſs of your ſaid general, and the troops under his command, preſs'd the armies of the States General, which were left for the defence of their frontiers, with a ſuperior force: on this extraordinary occaſion, the duke ſhew'd all the parts of a great captain, and at the ſame time the zeal he had for your Majeſty's ſervice, and true regard to your allies; by a ſpeedy march he returned to the* Maes, *where a new face of affairs immediately appeared, and your Majeſty's good allies the States General were delivered from the uneaſineſs they were under,* Liege *was relieved,* Huy *retaken, and the enemies obliged to retire behind their lines, which they thought impregnable; but the ſaid duke, with a ſurprizing conduct and bravery, on the ſeventh day of* July, *one thouſand ſeven hundred and five, with an inconſiderable loſs, forced the ſame, defeated great part of the enemy's forces, and obliged their whole army to a precipitate retreat; and although all the advantages were not obtained which the duke had propoſed to himſelf from that ſucceſs, yet it confirmed the minds of your Majeſty's allies, and produced that happy conſequence of the duke's being intruſted with ſuch a power, as gave him an opportunity of performing thoſe great actions, which were executed in the laſt glorious campaign;*

Honour of Woodſtock, &c.

Tenure.

Lines forced.

campaign; in which the enemy confiding in the ſuperiority of their army, compoſed of their choiceſt troops, gave the duke of Marlborough *an opportunity of attacking them, which he did at* Ramellies, *on the twelfth day of* May, *one thouſand ſeven hundred and ſix, with ſuch reſolution and conduct, that in two hours time he obtained a moſt compleat and glorious victory, and proſecuted his advantage without any intermiſſion during the whole campaign: the battle of* Ramellies *was followed by the immediate ſurrender of* Louvain, Bruſſels, Malines, Liere, Gant, Oudenard, Antwerp, Dam, Bruges, and Courtray, *and the taking of* Oſtend, Menin, Dendermond, *and* Aeth; *moſt of which places had heretofore employed the greateſt generals whole campaigns in their ſieges: and thus almoſt the entire* Spaniſh Netherlands, *which had been contended for ſo many ages were conquered in one ſummer: and whereas by an act paſſed in this preſent ſeſſion of parliament, intituled,* An act for the ſettling of the honours and dignities of *John* duke of *Marlborough* upon his poſterity, and annexing the honour and manor of *Woodſtock*, and houſe of *Bleinheim*, to go along with the ſaid honours, *it was for perpetuating the memory of the ſeveral great actions performed by the ſaid duke, and for ſettling and continuing the above-mentioned ſeveral titles and honours, and the right of precedence, in his poſterity, amongſt divers other things therein contained, enacted, That in default of heirs males of the body of the ſaid duke of* Marlborough *iſſuing, the ſtates, degree, ſtiles, titles, dignities, and honours aforeſaid, ſhould continue, remain, be veſted in, and ſhould be held and enjoyed by the lady* Harriott, *eldeſt daughter of the ſaid duke of* Marlborough, *and wife of* Francis Godolphin *eſquire, ſon and heir apparent of* Sidney *lord* Godolphin, *lord high treaſurer of* England, *and the heirs males of her body begotten; and for default of ſuch iſſue, ſhould continue, remain, be veſted in, and held and enjoyed by* Anne *counteſs of* Sunderland, *ſecond daughter of the ſaid duke of* Marlborough, *and wife of* Charles *earl of* Sunderland, *and the heirs males of her body begotten; and for default of ſuch iſſue, ſhould continue, remain, be veſted in, and held and enjoyed by* Elizabeth *counteſs of* Bridgwater, *third daughter of the ſaid duke of* Marlborough, *and wife of* Scroope *earl of* Bridgwater, *and the heirs males of her body begotten; and for default of ſuch iſſue, ſhould continue, remain, be veſted in, and held and enjoyed by the lady* Mary, *youngeſt daughter of the ſaid duke of* Marlborough, *and wife of* John Montagu *eſquire, called marquiſs of* Monthermer, *ſon and heir apparent of* Ralph *duke of* Montagu, *and the heirs males of her body begotten; and for default of ſuch iſſue, then to continue, remain, and be veſted in, and held and enjoyed by all and every other the daughter and daughters of the ſaid duke of* Marlborough, *to be begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters and the heirs males of her body, to be preferred, and take before the younger of ſuch daughters, and the heirs males of her body; and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid lady* Harriott Godolphin *begotten, and the*

Battle of Ramellies.

5 Ann. c. 3.

Entail of the duke of Marlborough's honours.

heirs

heirs males of the body of ſuch firſt daughter begotten; and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid lady Harriott Godolphin, *ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters and the heirs males of her body, to be preferred and take before the younger of ſuch daughters, and the heirs males of her body; and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid* Anne *counteſs of* Sunderland *begotten, and the heirs males of the body of ſuch firſt daughter begotten; and for want of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid* Anne *counteſs of* Sunderland *begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters, and the heirs males of her body, to be preferred, and take before the younger of ſuch daughters, and the heirs males of her body, and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid* Elizabeth *counteſs of* Bridgwater *begotten, and the heirs males of the body of ſuch firſt daughter begotten, and for want of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid* Elizabeth *counteſs of* Bridgwater *begotten, ſeverally and ſucceſſively one after the other, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder of ſuch daughters, and the heirs males of her body, to be preferred and take before the younger of ſuch daughters, and the heirs males of her body; and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by the firſt daughter of the body of the ſaid lady* Mary Montagu *begotten, and the heirs males of the body of ſuch firſt daughter begotten; and for want of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every other the daughter and daughters of the body of the ſaid lady* Mary Montagu *begotten, ſeverally and ſucceſſively, one after the other, as they ſhall be in priority of birth; the elder of ſuch daughters, and the heirs males of her body, to be preferred, and take before the younger of ſuch daughters, and the heirs males of her body; and for default of ſuch iſſue, then to continue, remain, be veſted in, and held and enjoyed by all and every daughter and daughters of every other daughter of the ſaid duke of* Marlborough *to be begotten, ſeverally and ſucceſſively, as they ſhall be in priority of birth, and the heirs males of their reſpective bodies iſſuing; the elder daughter of every ſuch daughter, and the heirs males of her body, to be preferred and take before the younger of ſuch daughters, and the heirs males of her body; the daughter and daughters of the elder of ſuch then after to be born daughters, and the heirs males of her and their reſpective bodies iſſuing, to be preferred and take, in manner aforeſaid, before the daughter and daughters of the younger of ſuch after born daughters; and for default of ſuch iſſue, to all and every other the iſſue*

male

male and female lineally deſcending of or from the ſaid duke of Marlborough, *in ſuch manner, and for ſuch eſtate, as the ſame are by the ſaid act limited to the before-mentioned iſſue of the ſaid duke; it being intended, and thereby enacted, That the ſaid honours ſhould continue, remain, and be veſted in all the iſſue of the ſaid duke, ſo long as any ſuch iſſue male or female ſhall continue, and be held and enjoyed by them ſeverally and ſucceſſively, in manner and form aforeſaid; the elder and the deſcendents of every elder iſſue to be preferred before the younger of ſuch iſſue: and to the intent that the ſaid honour, manor, and park of* Woodſtock, *and the houſe erecting there, called* Bleinheim, *and the hundred of* Wootton, *and all other the manors, meſſuages, lands, tenements, and hereditaments, which in and by the ſaid letters patents under the great ſeal of* England, *bearing date the ſaid fifth day of* May, *in the fourth year of your Majeſty's reign, were by your Majeſty, purſuant to the ſaid act of parliament paſſed in the third year of your Majeſty's reign, granted to the ſaid duke of* Marlborough, *and his heirs, and the advowſons by the ſaid letters patents alſo granted, might always go along, and be enjoyed with the titles, honours, and dignities, as aforeſaid, as therein after is mentioned, it was thereby further enacted, That the ſaid duke of* Marlborough *ſhould ſtand and be ſeized of all the ſaid honour, manor, and park of* Woodſtock, *manors, houſe, and premiſſes, granted by the ſaid laſt-mentioned letters patents, during his life, without impeachment of waſte; and from and after his deceaſe, that the ſame ſhould be and remain unto, and be held and enjoyed by* Sarah *dutcheſs of* Marlborough, *wife of the ſaid duke, for and during the term of her natural life; and from and after her deceaſe, the ſame ſhould be and remain unto, and be held and enjoyed by the heirs males of the body of the ſaid duke of* Marlborough, *begotten; and for default of ſuch iſſue, that then the ſame ſhould be and remain unto, and be held and enjoyed by all and every the daughters of the ſaid duke of* Marlborough, *and the heirs male of their reſpective bodies iſſuing, and all others ſeverally and ſucceſſively, in ſuch manner as the ſaid titles, honours and dignities aforeſaid are therein before expreſſed and limited to go, and be enjoyed: and 'twas thereby provided and enacted, That neither the ſaid duke of* Marlborough, *or the heirs male of his body, nor any of his daughters, or the heirs males of their bodies, or any other perſon to whom the premiſſes ſhould come or deſcend by virtue of the limitations aforeſaid, ſhould have any power, by fine or recovery, or any other act, aſſurance, or conveyance in the law, to hinder, bar, or diſinherit any the perſon or perſons to or upon whom the ſaid manors, houſe, lands, tenements, hereditaments, or premiſſes, were thereby veſted or limited, from holding or enjoying the ſame, according to the limitations in the ſaid act mentioned (other than and except ſuch leaſes as the ſaid duke and dutcheſs might make, by virtue of the powers therein before-mentioned, and ſuch other leaſes as tenants in tail might and were enabled to make, by virtue of the ſtatute made in the two and thirtieth year of the reign of King* Henry *the Eighth, and grants of lands or tenements held by copy of court roll, according to the cuſtoms of the reſpective manors aforeſaid) but that all ſuch fines, recoveries, act, aſſurances, and conveyances, other than ſuch leaſes and*

Intail of Woodſtock, Bleinheim, and Wootton.

32 H. 8 c. 28.

grants by copy, as aforesaid, should be, and were thereby declared and enacted to be void. And whereas we your Majesty's most dutiful and loyal commons, taking into our consideration the many eminent services of the said duke of Marlborough, *whereby the glory of your Majesty's government, the honour and safety of your kingdoms; and the interest of the common cause have been so highly advanced, did with all submission address ourselves to your Majesty's most sacred person, humbly to desire, That as your Majesty is, at your expence, graciously pleased to erect the house of* Bleinheim *as a monument of his glorious actions, and the house of peers, by your Majesty's permission, have given rise to the said act passed in this present session for continuing his honours to his posterity, we your Majesty's most obedient commons might be permitted to express our sense of so distinguishing a merit, and our ready disposition to enable your Majesty to make some provision for the more honourable support of his dignities in his posterity, in such manner as should be most agreeable to your Majesty, whereby the gratitude of this whole kingdom might remain upon record to after-ages, and encourage others to follow his great example; to which address your Majesty was pleased to return this most gracious answer, That your Majesty, in consideration of the great and eminent services performed by the said duke in the first year of your reign, as well by his prudent negotiations as your Majesty's plenipotentiary at the* Hague, *as by his valour and good conduct in the command of the confederate armies abroad, thought fit to grant to him and the heirs male of his body, the title of a duke of this realm; and as a further mark of your favour and satisfaction with his services, and for the better support of his dignity, your Majesty had granted to the said duke and the heirs male of his body, during your Majesty's life, a pension of five thousand pounds* per annum *out of the revenue of the post office; and that an act having passed this sessions for settling the honours and dignities of the said duke upon his posterity, and annexing the honor and manor of* Woodstock *and house of* Bleinheim *to go along with the said honours; it would be very agreeable to your Majesty, if the pension of five thousand pounds* per annum *be continued and limited by act of parliament to his posterity, for the more honourable support of their dignities, in like manner, as his honours and the honor and manor of* Woodstock *and house of* Bleinheim *are already limited and settled: we your Majesty's most dutiful and loyal subjects, the commons of* England *in parliament assembled, duly considering your Majesty's most gracious answer, and also the wise provision made by your Majesty, through your Majesty's abundant grace and goodness to your people, by an act passed in the first year of your Majesty's reign, for preserving the inheritance of the several revenues of the crown, think ourselves obliged to transmit to all succeeding times the memory of so many glorious actions, together with the just sense of the kingdom, after what manner such transcendent merit ought to be rewarded;* and thereupon do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That in lieu

Address of the house of commons.

Arrears due for this work provided for by 1. Geo. 1. stat. 2. c. 12. s. 34.

The Queen's answer.

In lieu of the 5000l. per annum granted to the duke during the Queen's life,

lieu of the ſaid annuity or yearly penſion of five thouſand pounds by the ſaid letters patents, bearing date the two and twentieth day of *December*, in the firſt year of your Majeſty's reign, granted to the ſaid duke of *Marlborough*, and the heirs males of his body, during your Majeſty's life, as aforeſaid, which ſaid penſion is from henceforth to ceaſe and determine, one annuity, or yearly penſion of five thouſand pounds of lawful money of *England*, ſhall be iſſuing and payable out of, and charged and chargeable upon all the revenues and monies ariſing, due and payable, or which ſhall ariſe, grow due, or be payable by virtue or in purſuance of an act of parliament made in the twelfth year of the reign of her Majeſty's royal uncle King *Charles* the Second, of bleſſed memory, intituled, *An act for erecting and eſtabliſhing a poſt office*, or by virtue, or in purſuance of any other act or acts of parliament whatſoever, for eſtabliſhing, veſting, or ſettling the revenue of the general letter office, or poſt office, or office of poſt maſter general in the crown, or any other act or acts of parliament relating to the ſaid office or revenue: and the ſame ſhall from time to time be paid quarterly, at the four moſt uſual feaſts, or days of payment in the year, (that is to ſay) the annunciation of the bleſſed virgin *Mary*, the nativity of Saint *John* the baptiſt, the feaſt of St. *Michael* the archangel, and the feaſt of the birth of our Lord Chriſt, in manner and form following, (that is to ſay) to the ſaid duke of *Marlborough*, for and during the term of his natural life, and from and after his deceaſe to *Sarah* dutcheſs of *Marlborough*, wife of the ſaid duke, for and during the term of her natural life; and from and after her deceaſe, to the heirs male of the body of the ſaid duke of *Marlborough* begotten; and for default of ſuch iſſue, to all and every the daughters of the ſaid duke of *Marlborough*, and the heirs male of their reſpective bodies iſſuing, and to all others ſeverally and ſucceſſively, in ſuch manner as the ſaid titles, honours, and dignities aforeſaid, are by the ſaid act made in this preſent ſeſſion of parliament, expreſſed and limited to go and be enjoyed.

5000l. per annum to be paid out of the poſt office, 12 Car. 2. c. 35.

quarterly,

to the duke, &c. and all others, &c. in the ſame manner as his titles, &c. are limited.

How, and by whom the ſaid annuity ſhall be paid.

II. And be it further enacted by the authority aforeſaid, That the ſaid annuity, or yearly penſion of five thouſand pounds hereby enacted to be paid, as aforeſaid, ſhall be paid by the immediate hands of all and every the commiſſioners, poſt maſters, farmers, treaſurers, receivers, and collectors for the time being of the ſaid revenues reſpectively, by authority of this act, without any further or other warrant, order, or direction to be obtained for that purpoſe, and without any fees or charges to be demanded or taken for paying the ſame, or any part thereof, unto the ſaid *John* duke of *Marlborough*, and to all others ſeverally and ſucceſſively to whom the ſame ſhall, after the deceaſe of the ſaid duke, come, deſcend, remain, or belong by virtue of this act, when and as they ſhall reſpectively become entitled to receive the ſame, at the aforeſaid four moſt uſual feaſts or days of payment in the year, the firſt of the ſaid payments to be made on the feaſt of the annunciation of the bleſſed virgin *Mary*

now

now next enſuing, and the payment of the ſaid annuity, or yearly penſion of five thouſand pounds herein before enacted to be paid, as aforeſaid ſhall not at any time hereafter be ſtop'd or delay'd by any order or direction whatſoever: and if the ſaid commiſſioners, poſt maſters, farmers, treaſurers, receivers, and collectors for the time being of the ſaid revenues, or any of them, ſhall refuſe or neglect to pay the ſaid annuity, or yearly penſion of five thouſand pounds hereby enacted to be paid, as aforeſaid, or any part thereof, to the ſaid duke of *Marlborough*, or any other perſon to whom the ſame after the deceaſe of the ſaid duke ſhall come, deſcend, remain, or belong, by virtue of this act, then the ſaid duke and every other perſon reſpectively, being intitled to receive the ſame, as aforeſaid, may ſue, proſecute, and implead the ſaid commiſſioners, poſt maſters, farmers, treaſurers, receivers general, and collectors, or any of them, and all or any of their ſecurities, heirs, executors, and adminiſtrators, by bill, plaint, or action of debt, and ſhall and may recover judgments, and ſue out executions thereupon, againſt the ſaid commiſſioners, poſt maſters, farmers, treaſurers, receivers, and collectors reſpectively, and their reſpective ſecurities, heirs, executors, and adminiſtrators, for ſuch ſum and ſums of money then due and owing upon the ſaid annuity or yearly penſion, as ſhall be in the hands of the ſaid commiſſioners, poſt maſters, farmers, treaſurers, receivers, and collectors reſpectively of the ſaid revenue, at the time when demand ſhall be made of the payment of the ſaid annuity or yearly penſion, or any part thereof, or of any arrears thereof.

Duke's acquittance a ſufficient diſcharge.

III. And 'tis hereby further enacted, That the acquittance or acquittances of the ſaid duke, and of every other perſon to whom the ſaid annuity or yearly penſion of five thouſand pounds, after the deceaſe of the ſaid duke, ſhall come, deſcend, remain, or belong, by virtue of this act, expreſſing the receipt of any ſum or ſums of money in purſuance of this act, ſhall be a good and ſufficient voucher and diſcharge for the payment thereof, and every ſuch payment ſhall be allowed upon the reſpective account and accounts of the aforeſaid officer and officers, perſon or perſons paying the ſame, without any further or other warrant or authority whatſoever to be had or obtain'd for that purpoſe.

Neither the duke nor his heirs, &c. to bar any perſon to whom the annuity is limited from receiving the ſame.

IV. Provided always, and be it further enacted by the authority aforeſaid, That neither the ſaid duke of *Marlborough*, or any other perſon to whom the ſaid annuity or yearly penſion of five thouſand pounds hereby enacted to be paid, as aforeſaid, ſhall come, deſcend, remain, or belong, by virtue of the limitations aforeſaid, ſhall have power by any act, aſſurance or conveyance in the law whatſoever, to hinder, bar, or diſinherit any the perſon or perſons, to whom the ſaid annuity or yearly penſion is by virtue of this act limited or appointed to come, deſcend, or remain, from holding, enjoying, receiving, or taking the ſame according to the limitations thereof made by this act, but that every ſuch act, aſſurance, or conveyance, ſhall be, and is hereby declared and enacted to be void.

Not to prejudice the payment of any annuity payable out of the post office, &c.

V. Provided always, That nothing in this present act contained, shall extend, or be construed to take away, interrupt or prejudice the payment of any annuity, pension, or yearly sum of money whatsoever, issuing or payable out of, or charged or chargeable upon the said revenue of the post office, granted or confirmed by or in pursuance of any act or acts of parliament, or by any letters patents under the great seal of *England*, to any person or persons whatsoever, (except the said yearly pension of five thousand pounds granted by the said letters patents, bearing date the said two and twentieth day of *December*, in the first year of her Majesty's reign, to the said duke and the heirs males of his body during her Majesty's life, as aforesaid) but that every such annuity, pension, or yearly sum (except before excepted) shall continue, remain, and be payable as if this act had never been made; any thing herein before contained to the contrary thereof, in any wise notwithstanding.

Act to be a publick act.

VI. And be it declared and enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken, in all cases, and in all courts, and places, to be a publick act.

CAP. V.

An act for securing the church of England as by law established.

EXP.

Acts 13 Eliz. c. 12. and 13 and 14 Car. 2. c. 4. &c. to be in force for ever. Queen's successors at their coronation to take an oath to maintain the church of England, &c. This act to be for ever an essential part of any treaty of union, &c.

This act is inserted in the act of the union, 5 An. c. 8 s. 7. &c. and is therefore omitted here.

CAP. VI.

An act for repealing a clause in an act, intituled, An act for the better apprehending, prosecuting, and punishing felons that commit burglaries, house-breaking, or robberies in shops, ware-houses, coach-houses, or stables, or that steal horses.

10 & 11 W. 3. c. 23.

WHEREAS *by an act made in the tenth year of the reign of his late majesty King* William *the Third, intituled,* An act for the better apprehending, prosecuting, and punishing felons that commit burglaries, house-breaking, or robbery in shops, ware-houses, coach-houses, or stables, or that steal horses; *it is (amongst other things) enacted, That from and after the twentieth day of* May, *one thousand six hundred ninety nine, all and every person and persons, who should be convicted of or for any theft or larceny, and should have the benefit of the clergy allowed thereupon, or ought to be burnt in the hand for such offence, instead of being burnt in the hand, should be burnt in the most visible part of the left cheek nearest the nose: and whereas it hath been found by experience, that the said punishment hath not had its desired effect, by deterring such offenders from the further committing such crimes and offences, but on the contrary, such offenders being rendered thereby unfit to be intrusted in any service or employment to get their livelihood in any honest and lawful way, become the more desperate;* be it enacted by the Queen's most excel-

excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fourteenth day of *February*, which shall be in the year of our Lord one thousand seven hundred and six, so much of the said act as inflicts or concerns the inflicting the said punishment of burning in the cheek, shall be and is hereby repealed.

Clause for burning of offenders in the cheek, repeal'd.

II. And be it further enacted by the authority aforesaid, That in all cases where any person or persons shall, from and after the said fourteenth day of *February*, be convicted of any theft or larceny, and shall have the benefit of this act allowed thereupon, or ought by the laws in force before the making the said act, to be burned in the hand for such offence, shall be burnt in the hand, as formerly they should or ought to have been before the making of the said act; and the judge or justices before whom such offender or offenders shall be tried and convicted, shall also, at his or their discretion, award and give judgment, That such offender and offenders shall be committed to some house of correction or publick work-house within the county, city, town, or place where such conviction shall be, there to be, remain, and be kept, without bail or mainprize, for such time as such judge or justices shall then judge and award, not less than six months, and not exceeding two years, to be accounted from the time of such conviction, and an entry thereof shall be made of record, pursuant to such judgment and award, and such offender and offenders so judged and awarded to remain and be kept in such house of correction or publick work-house, shall be there set at work, and kept at hard labour for and during such time as shall be so adjudged and recorded; and in case such person or persons shall refuse or neglect to work and labour as they ought to do, the master or keeper of such house of correction or publick work-house respectively, is hereby required to give such persons such due correction as shall be fit and necessary in that behalf.

Offenders to be burnt in the hand, as formerly.

And committed to work-house, &c. for 6 months, &c.

Penalty on such as refuse to work.

III. And be it further enacted by the authority aforesaid, That in case any such offender or offenders shall, after such judgment given, escape out of prison, or out of such house of correction or publick work-house, as he, she, or they shall be committed unto, as aforesaid, such person or persons, being afterwards retaken, shall be brought before some or one of her Majesty's judges, or before two or more justices of the peace (whereof one to be of the *Quorum*) of such county, city, town, or place, where such offender or offenders shall be so retaken; which judge or justices are hereby required to commit such offender and offenders to some house of correction or publick work-house, within such county, city, town, or place, where he, she, or they shall be so retaken, there to remain without bail or mainprize for any time not less than twelve months, and not exceeding four years, to be accounted from the time of such retaking, and there be set at work and kept at hard labour, and receive such due correction, as aforesaid; and in case any master

If offenders escape and be retaken, to be committed to work-house for 12 months, &c.

and kept at hard labour.

or keeper of any houſe of correction, or publick work-houſe, ſhall neglect to do his duty, as above directed, any judge or juſtice of aſſize or gaol delivery, upon complaint, and due proof thereof upon the oath of one or more witneſſes to him made, ſhall be, and is hereby impowered to remove every ſuch perſon from his ſaid office.

Felons convict, to have benefit of this act, without being required to read, &c.

VI. *And foraſmuch as when any perſon is convicted for any felony within the benefit of clergy, upon his prayer to have the benefit thereof allowed to him, it hath been uſed to adminiſter a book to him to try whether he can read as a clerk, which by experience is found to be of no uſe*; be it therefore enacted by the authority aforeſaid, That from and after the ſaid fourteenth day of *February*, if any perſon be convicted of any ſuch felony, for which he ought to have had the benefit of his clergy, if this act had not been made, and ſhall pray to have the benefit of this act, he ſhall not be required to read, but without any reading, ſhall be allowed, taken, and reputed to be, and puniſhed as, a clerk convict, which ſhall be as effectual to all intents and purpoſes, and be as advantageous to him, as if he had read as a clerk; any thing in this act, or any other law or ſtatute to the contrary notwithſtanding.

CAP. VII.

An act for regulating and aſcertaining the duties to be paid by the unfreemen importers of coals into the port and borough of Great Yarmouth, in the county of Norfolk.

From 25 March, 1707, perſons not freemen of corporation of Great Yarmouth, may import and ſell coals there, paying 6d. per chalder, and 6d. ob. per chalder, for ballaſt. On paying rate, corporation to furniſh importers with ballaſt. Importers, &c. not freemen, to pay 4s. 6d. for pilottage, &c. beſides a halfpenny per chalder coal tonnage. All perſons except freemen to pay the duties, &c. Ships, tackle, &c. may be detained for duties not paid, and diſtreſs ſold, &c. Not to impeach duties granted by 10 & 11 W. 3. c. 5. Sixty pounds yearly payable out of duties, &c. to chamberlain of Norwich, for cleanſing and depthning the rivers Yarr, Waveney, and the North River, &c. 10 & 11 W. 3. c. 5. Mayor, &c. of Norwich in common council to diſpoſe of the monies, &c. Mayor, &c. of Norwich may levy money by warrant, &c. Proviſo for cleanſing the river to Dilham. Not to alter 16 Car. 2. Saving of right to all perſons, &c.

CAP. VIII.

An act for an union of the two kingdoms of England *and* Scotland.

Moſt gracious Sovereign,

WHEREAS *articles of union were agreed on, the twenty ſecond day of* July, *in the fifth year of your Majeſty's reign, by the commiſſioners nominated on behalf of the kingdom of* England, *under your Majeſty's great ſeal of* England, *bearing date at* Weſtminſter *the tenth day of* April *then laſt paſt, in purſuance of an act of parliament made in* England, *in the third year of your Majeſty's reign, and the commiſſioners nominated on the behalf of the kingdom of* Scotland, *under your Majeſty's great ſeal of* Scotland, *bearing date the twenty ſeventh day of* February, *in the fourth year of your Majeſty's reign, in purſuance of the fourth act of the third ſeſſion of the*

the preſent parliament of Scotland, *to treat of and concerning an union of the ſaid kingdoms: and whereas an act hath paſſed in the parliament of* Scotland *at* Edinburgh, *the ſixteenth day of* January, *in the fifth year of your Majeſty's reign, wherein 'tis mentioned, That the eſtates of parliament conſidering the ſaid articles of union of the two kingdoms, had agreed to and approved of the ſaid articles of union, with ſome additions and explanations, and that your Majeſty, with advice and conſent of the eſtates of parliament, for eſtabliſhing the proteſtant religion and preſbyterian church government within the kingdom of* Scotland, *had paſſed in the ſame ſeſſion of parliament an act, intituled,* An act for ſecuring of the proteſtant religion and preſbyterian church government, *which by the tenor thereof was appointed to be inſerted in any act ratifying the treaty, and expreſly declared to be a fundamental and eſſential condition of the ſaid treaty or union in all times coming: the tenor of which articles, as ratified and approved of, with additions and explanations by the ſaid act of parliament of* Scotland, *follows:*

ARTICLE I.

'THAT the two kingdoms of *England* and *Scotland* ſhall upon the firſt day of *May*, which ſhall be in the year one thouſand ſeven hundred and ſeven, and for ever after, be united into one kingdom by the name of *Great Britain*; and that the enſigns armorial of the ſaid united kingdom be ſuch as her Majeſty ſhall appoint, and the croſſes of St. *George* and St. *Andrew* be conjoined in ſuch manner as her Majeſty ſhall think fit, and uſed in all flags, banners, ſtandards, and enſigns, both at ſea and land.' Union of the two kingdoms. Enſigns armorial.

ARTICLE II.

'That the ſucceſſion of the monarchy to the united kingdom of *Great Britain*, and of the dominions thereto belonging, after her moſt ſacred Majeſty, and in default of iſſue of her Majeſty, be, remain, and continue to the moſt excellent princeſs *Sophia*, electoreſs and dutcheſs dowager of *Hanover*, and the heirs of her body being proteſtants, upon whom the crown of *England* is ſettled by an act of parliament made in *England* in the twelfth year of the reign of his late Majeſty King *William* the Third, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*: and that all papiſts, and perſons marrying papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the imperial crown of *Great Britain*, and the dominions thereunto belonging, or any part thereof; and in every ſuch caſe, the crown and government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon, being a proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch papiſt, or perſon marrying a papiſt, was naturally dead, according to the proviſion for the deſcent of the crown of *England*, made by another act of parliament in *England* in the firſt year of the reign of their late majeſties King *William* and Queen *Mary*, Succeſſion to the monarchy. 12 & 13 W. 3. c. 2. Papiſts excluded.

1 W. & M. ſ. 2. c. 2. 'Mary,' intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown.*'

ARTICLE III.

One parliament. 'That the united kingdom of *Great Britain* be repreſented by one and the ſame parliament, to be ſtiled *The Parliament of Great Britain.*'

ARTICLE IV.

Freedom of trade. 'That all the ſubjects of the united kingdom of *Great Britain* ſhall, from and after the union, have full freedom and intercourſe of trade and navigation to and from any port or place within the ſaid united kingdoms, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the ſubjects of either kingdom; except where it is otherwiſe expreſly agreed in theſe articles.'

ARTICLE V.

Scotch ſhips to be Britiſh ſhips. 'That all ſhips or veſſels belonging to her Majeſty's ſubjects of *Scotland*, at the time of ratifying the treaty of union of the two kingdoms in the parliament of *Scotland*, though foreign built, be deemed, and paſs as ſhips of the built of *Great Britain*; the owner, or where there are more owners, one or more of the owners, within twelve months after the firſt of *May* next, making oath, That at the time of ratifying the treaty of union in the parliament of *Scotland*, the ſame did, in whole or in part, belong to him or them, or to ſome other ſubject or ſubjects in *Scotland*, to be particularly named, with the place of their reſpective abodes; and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt therein; which oath ſhall be made before the chief officer or officers of the cuſtoms, in the port next to the abode of the ſaid owner or owners; and the ſaid officer or officers ſhall be impowered to adminiſter the ſaid oath; and the oath being ſo adminiſtred ſhall be atteſted by the officer or officers, who adminiſtred the ſame; and being regiſtred by the ſaid officer or officers, ſhall be delivered to the maſter of the ſhip for ſecurity of her navigation; and a duplicate thereof ſhall be tranſmitted by the ſaid officer or officers, to the chief officer or officers of the cuſtoms in the port of *Edinburgh*, to be there entred in a regiſter, and from thence to be ſent to the port of *London*, to be there entred in the general regiſter of all trading ſhips belonging to *Great Britain.*'

ARTICLE VI.

Trade. See 5 Geo. 1. c. 20. & 9 Geo. 1. c. 21. 'That all parts of the united kingdom for ever, from and after the union, ſhall have the ſame allowances, encouragements, and drawbacks, and be under the ſame prohibitions, reſtrictions, and regulations of trade, and liable to the ſame cuſtoms

'cuſtoms and duties on import and export; and that the allowances, encouragements, and drawbacks, prohibitions, reſtrictions, and regulations of trade, and the cuſtoms and duties on import and export, ſettled in *England* when the union commences, ſhall, from and after the union, take place, throughout the whole united kingdom; excepting and reſerving the duties upon export and import of ſuch particular commodities, from which any perſons, the ſubjects of either kingdom, are ſpecially liberated and exempted by their private rights, which after the union, are to remain ſafe and entire to them in all reſpects, as before the ſame. And that from and after the union, no *Scots* cattle carried into *England*, ſhall be liable to any other duties, either on the publick or private accounts, than thoſe duties to which the cattle of *England* are or ſhall be liable within the ſaid kingdom. And ſeeing by the laws of *England*, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expreſſed; that from and after the union, when oats ſhall be ſold at fifteen ſhillings ſterling *per* quarter, or under, there ſhall be paid two ſhillings and ſix pence ſterling for every quarter of the oatmeal exported in the terms of the law, whereby and ſo long as rewards are granted for exportation of other grains, and that the bear of *Scotland* have the ſame rewards as barley: and in reſpect the importation of victuals into *Scotland*, from any place beyond ſea, would prove a diſcouragement to tillage, therefore that the prohibition as now in force by the law of *Scotland*, againſt importation of victuals from *Ireland*, or any other place beyond ſea into *Scotland*, do, after the union, remain in the ſame force as now it is, until more proper and effectual ways be provided by the parliament of *Great Britain*, for diſcouraging the importation of the ſaid victuals from beyond ſea.'

Scots cattle.

Importation of victuals.

14 Geo. 2. c. 7.

ARTICLE VII.

'That all parts of the united kingdom be for ever, from and after the union, liable to the ſame exciſes upon all exciſeable liquors, excepting only that the thirty four gallons *Engliſh* barrel of beer or ale, amounting to twelve gallons *Scots* preſent meaſure, ſold in *Scotland* by the brewer at nine ſhillings ſix pence ſterling, excluding all duties, and retailed, including duties and the retailers profit, at two pence the *Scots* pint, or eighth part of the *Scots* gallon, be not after the union liable, on account of the preſent exciſe upon exciſeable liquors in *England*, to any higher impoſition than two ſhillings ſterling upon the aforeſaid thirty four gallons, *Engliſh* barrel, being twelve gallons the preſent *Scots* meaſure: and that the exciſe ſettled in *England* on all other liquors, when the union commences, take place throughout the whole united kingdom.'

Exciſes.

See 5 Geo. 1. c. 20. *Explained by* 12 Geo. 1. c. 4. ſ. 58.

ARTICLE VIII.

'That from and after the union, all foreign ſalt which ſhall be imported into *Scotland*, ſhall be charged at the importation

Foreign ſalt.

there, with the same duties as the like salt is now charged with being imported into *England*, and to be levied and secured in the same manner: but in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into *Scotland*, shall be cellar'd and locked up under the custody of the merchant importers, and the officers employed for levying the duties upon salt, and that the merchant may have what quantity thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But *Scotland* shall, for the space of seven years from the said union, be exempted from paying in *Scotland*, for salt made there, the duty or excise now payable for salt made in *England*; but from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in *Scotland* as shall be then payable for salt made in *England*, to be levied and secured in the same manner, and with proportionable drawbacks and allowances as in *England*, with this exception, That *Scotland* shall, after the said seven years, remain exempted from the duty of two shillings four pence a bushel on home salt, imposed by an act made in *England* in the ninth and tenth of King *William* the Third of *England*; and if the parliament of *Great Britain* shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings four pence of excise on the bushel of home salt, *Scotland* shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that during the said seven years, there shall be paid in *England*, for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in *England*; and that after the said seven years, as long as the said duty of two shillings four pence a bushel upon salt is continued in *England*, the said two shillings and four pence a bushel shall be payable for all salt made in *Scotland*, and imported into *England*, to be levied and secured in the same manner; and that during the continuance of the duty of two shillings four pence a bushel upon salt made in *England*, no salt whatsoever be brought from *Scotland* to *England* by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier as well as the owner shall be liable, jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace, by the space of six months without bail, and until the penalty be paid. And for establishing an equality in trade, that all flesh exported from *Scotland* to *England*, and put on board in *Scotland* to be exported to parts beyond the seas,

Scotch salt.

Home salt. 9 & 10 W. 3. c. 44.

Repealed by 3 Geo. 2. c. 20. s. 3. as to salt imported.

Flesh exported from Scotland.

'seas, and provisions for ships in *Scotland*, and for foreign voyages, may be salted with *Scots* salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in *England*, and under the same penalties, forfeitures, and provisions for preventing of frauds as are mentioned in the laws of *England*; and that from and after the union, the laws and acts of parliament in *Scotland*, for pining, curing, and packing of herrings, white fish and salmon for exportation with foreign salt only, without any mixture of *British* or *Irish* salt, and for preventing of frauds in curing and packing of fish, be continued in force in *Scotland*, subject to such alterations as shall be made by the parliament of *Great Britain*; and that all fish exported from *Scotland* to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of *British* or *Irish* salt, shall have the same eases, premiums, and drawbacks, as are or shall be allowed to such persons as export the like fish from *England*; and that for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of *Great Britain*, during the present allowances for other fish, ten shillings five pence sterling for every barrel of white herrings which shall be exported from *Scotland*; and that there shall be allowed five shilling sterling for every barrel of beef or pork salted with foreign salt, without mixture of *British* or *Irish* salt, and exported for sale from *Scotland* to parts beyond sea, alterable by the parliament of *Great Britain*; and if any matters of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of *Great Britain*.'

Curing of Herrings.

Fish exported.

These duties revived for 3 years, by 5 Geo. 2. c. 6.

ARTICLE IX.

'That whensoever the sum of one million nine hundred ninety seven thousand seven hundred and sixty three pounds, eight shillings, and four pence halfpenny, shall be enacted by the parliament of *Great Britain* to be raised in that part of the united kingdom now called *England*, on land and other things usually charged in acts of parliament there, for granting an aid to the crown by a land tax; that part of the united kingdom now called *Scotland*, shall be charged by the same act, with a further sum of forty eight thousand pounds, free of all charges, as the *quota* of *Scotland*, to such tax, and so proportionably for any greater or lesser sum raised in *England* by any tax on land, and other things usually charged together with the land; and that such *quota* for *Scotland*, in the cases aforesaid, be raised and collected in the same manner as the cess now is in *Scotland*; but subject to such regulations in the manner of collecting, as shall be made by the parliament of *Great Britain*.'

Land tax.

Quota of Scotland.

AR-

ARTICLE X.

Stampt vellum.

'That during the continuance of the respective duties on 'stampt paper, vellum, and parchment, by the several acts now 'in force in *England*, *Scotland* shall not be charged with the same 'respective duties.'

ARTICLE XI.

Window tax.

'That during the continuance of the duties payable in *Eng-* 'land on windows and lights, which determine on the first day 'of *August*, one thousand seven hundred and ten, *Scotland* shall 'not be charged with the same duties.'

ARTICLE XII.

Coals, culm, and cynders.

'That during the continuance of the duties payable in *Eng-* 'land on coals, culm, and cynders, which determine the thir- 'tieth day of *September*, one thousand seven hundred and ten, 'Scotland shall not be charged therewith for coals, culm, and 'cynders consumed there; but shall be charged with the same 'duties as in *England* for all coals, culm, and cynders not con- 'sumed in *Scotland*.'

ARTICLE XIII.

Malt.

'That during the continuance of the duty payable in *Eng-* 'land upon malt, which determines the twenty fourth day of 'June, one thousand seven hundred and seven, *Scotland* shall not 'be charged with that duty.'

ARTICLE XIV.

Scotland not chargeable with any other duties before the union, except these consented to. See 5 Geo. 1. c. 20.

'That the kingdom of *Scotland* be not charged with any other 'duties laid on by the parliament of *England* before the union, 'except these consented to in this treaty; in regard it is agreed, 'That all necessary provision shall be made by the parliament 'of *Scotland* for the publick charge and service of that kingdom, 'for the year one thousand seven hundred and seven. Provided 'nevertheless, That if the parliament of *England* shall think fit 'to lay any further impositions by way of customs, or such ex- 'cises, with which by virtue of this treaty, *Scotland* is to be char- 'ged equally with *England*, in such case *Scotland* shall be liable 'to the same customs and excises, and have an equivalent to be

Proviso.

'settled by the parliament of *Great Britain*; with this further pro- 'vision, That any malt to be made and consumed in that part 'of the united kingdom now called *Scotland*, shall not be charged 'with any imposition on malt, during this present war. And 'seeing it cannot be supposed that the parliament of *Great Bri-* 'tain will ever lay any sort of burthens upon the united king- 'dom, but what they shall find of necessity at that time for the 'preservation and good of the whole, and with this regard to 'the circumstances and abilities of every part of the united king- 'dom, therefore it is agreed, That there be no further exemp- 'tion insisted upon for any part of the united kingdom, but that

'the

the conſideration of any exemptions beyond what are already agreed on in this treaty, ſhall be left to the determination of the parliament of *Great Britain*.

ARTICLE XV.

That whereas by the terms of this treaty, the ſubjects of *Scotland*, for preſerving an equality of trade throughout the united kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in *England*, which will be applicable towards payment of the debts of *England*, contracted before the union; it is agreed, That *Scotland* ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged towards payment of the ſaid debts of *England*, in all particulars whatſoever, in manner following, *viz.* That before the union of the ſaid kingdoms, the ſum of three hundred ninety eight thouſand and eighty five pounds, ten ſhillings, be granted to her Majeſty by the parliament of *England*, for the uſes after-mentioned, being the equivalent to be anſwered to *Scotland* for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors with which that kingdom is to be charged upon the union, as will be applicable to the payment of the ſaid debts of *England*, according to the proportion which the preſent cuſtoms in *Scotland*, being thirty thouſand pounds *per annum*, do bear to the cuſtoms in *England*, computed at one million three hundred forty one thouſand five hundred and fifty nine pounds *per annum*; and which the preſent exciſes on exciſeable liquors in *Scotland*, being thirty three thouſand and five hundred pounds *per annum*, do bear to the exciſes on exciſeable liquors in *England*, computed at nine hundred forty ſeven thouſand ſix hundred and two pounds *per annum*: which ſum of three hundred ninety eight thouſand eighty five pounds, ten ſhillings, ſhall be due and payable from the time of the union. And in regard that after the union *Scotland* becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in *England*, as well upon that account, as upon the account of the increaſe of trade and people, (which will be the happy conſequence of the union) the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made; yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to *Scotland*; it is agreed, That after the union there ſhall be an account kept of the ſaid duties ariſing in *Scotland*, to the end it may appear what ought to be anſwered to *Scotland* as an equivalent for ſuch proportion of the ſaid increaſe, as ſhall be applicable to the payment of the debts of *England*. And for the further and more effectual anſwering the ſeveral ends hereafter mentioned, it is agreed, That from and after the union, the whole increaſe of the revenues of cuſtoms, and duties on import and export, and exciſes upon exciſeable liquors in *Scotland*, over and above the annual produce of the ſaid reſpective duties, as above ſtated, ſhall go

Equivalent.

See 1 Geo. 1. ſtat. 2. c. 27. & 5 Geo. 1. c. 20.

and

'and be applied, for the term of ſeven years, to the uſes here-
'after mentioned; and that upon the ſaid account there ſhall
'be anſwered to *Scotland* annually from the end of ſeven years
'after the union, an equivalent in proportion to ſuch part of
'the ſaid increaſe, as ſhall be applicable to the debts of *England*;
'and generally, that an equivalent ſhall be anſwered to *Scot-*
'*land* for ſuch parts of the *Engliſh* debts, as *Scotland* may here-
'after become liable to pay by reaſon of the union, other than
'ſuch for which appropriations have been made by parliament
'in *England*, of the cuſtoms, or other duties on export and im-
'port, exciſes on all exciſeable liquors, in reſpect of which
Uſes to which equivalent money is applied. 'debts, equivalents are herein before provided. And as for the
'uſes to which the ſaid ſum of three hundred ninety eight thou-
'ſand eighty five pounds, ten ſhillings, to be granted, as afore-
'ſaid, and all other monies which are to be anſwered or allow-
'ed to *Scotland*, as aforeſaid, are to be applied, it is agreed,
'That in the firſt place, out of the aforeſaid ſum, what conſi-
'deration ſhall be found neceſſary to be had for any loſſes,
Coin of Scotland. 'which private perſons may ſuſtain by reducing the coin of *Scot-*
'*land* to the ſtandard and value of the coin of *England*, may be
'made good; in the next place, that the capital ſtock, or fund
African company. 'of the *African* and *Indian* company of *Scotland* advanced, toge-
'ther with intereſt for the ſaid capital ſtock, after the rate of
'five *per centum per annum*, from the reſpective times of the pay-
'ment thereof, ſhall be paid: upon payment of which capital
'ſtock and intereſt, it is agreed, the ſaid company be diſſolved
'and ceaſe, and alſo, that from the time of paſſing the act of
'parliament in *England*, for raiſing the ſaid ſum of three hun-
'dred ninety eight thouſand eighty five pounds, ten ſhillings,
'the ſaid company ſhall neither trade, nor grant licence to trade;
'providing, that if the ſaid ſtock and intereſt ſhall not be paid
'in twelve months after the commencement of the union, that
'then the ſaid company may from thenceforward trade, or give
'licence to trade, until the ſaid whole capital ſtock and intereſt
Overplus. 'ſhall be paid. And as to the overplus of the ſaid ſum of three
'hundred ninety eight thouſand eighty five pounds, ten ſhil-
'lings, after payment of what conſideration ſhall be had for
'loſſes in repairing the coin, and paying the ſaid capital ſtock
'and intereſt, and alſo the whole increaſe of the ſaid revenues
'of cuſtoms, duties, and exciſes, above the preſent value, which
'ſhall ariſe in *Scotland*, during the ſaid term of ſeven years, to-
'gether with the equivalent which ſhall become due upon the
'improvement thereof in *Scotland* after the ſaid term; and alſo,
'as to all other ſums, which, according to the agreements a-
'foreſaid, may become payable to *Scotland* by way of equiva-
'lent, for what that kingdom ſhall hereafter become liable to-
'wards payment of the debts of *England*; it is agreed, That
'the ſame be applied in the manner following, *viz.* That all
Publick debts. 'the publick debts of the kingdom of *Scotland*, as ſhall be ad-
'juſted by this preſent parliament, ſhall be paid: and that two
'thouſand pounds *per annum* for the ſpace of ſeven years, ſhall
'be

'be applied towards encouraging and promoting the manufacture of coarse wool within those shires which produce the wool; and that the first two thousand pounds sterling be paid at *Martinmas* next, and so yearly at *Martinmas*, during the space aforesaid; and afterwards, the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in *Scotland*, as may most conduce to the general good of the united kingdom. And it is agreed, That her Majesty be impowered to appoint commissioners, who shall be accountable to the parliament of *Great Britain*, for disposing the said sum of three hundred ninety eight thousand and eighty five pounds, ten shillings, and all other monies which shall arise to *Scotland*, upon the agreements aforesaid, to the purposes before-mentioned: which commissioners shall be impowered to call for, receive, and dispose of the said monies, in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties, from whence an equivalent may arise: and that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentick abbreviates of the produce of such revenues and duties arising in their respective districts: and that the said commissioners shall have their office within the limits of *Scotland*, and shall in such office keep books containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects, who shall desire the same.'

Manufacture of coarse wool.

Fisheries. *See* 13 Geo. 1. c. 30. s. 1. & 1 Geo. 2. stat. 2. c. 1. s. 8.

Commissioners for the equivalent.

ARTICLE XVI.

'That from and after the union, the coin shall be of the same standard and value throughout the united kingdom, as now in *England*, and a mint shall be continued in *Scotland*, under the same rules as the mint in *England*, and the present officers of the mint continued, subject to such regulations and alterations as her Majesty, her heirs or successors, or the parliament of *Great Britain* shall think fit.'

Coin.

ARTICLE XVII.

'That from and after the union, the same weights and measures shall be used throughout the united kingdom, as are now established in *England*, and standards of weights and measures shall be kept by those burghs in *Scotland*, to whom the keeping the standards of weights and measures, now in use there, does of special right belong: all which standards shall be sent down to such respective burghs, from the standards kept in the Exchequer at *Westminster*, subject nevertheless to such regulations as the parliament of *Great Britain* shall think fit.'

Weights and measures.

ARTICLE XVIII.

'That the laws concerning regulation of trade, customs, and such excises to which *Scotland* is, by virtue of this treaty,

Regulation of trade.

'to

'to be liable, be the same in *Scotland*, from and after the union, 'as in *England*; and that all other laws in use within the king- 'dom of *Scotland*, do after the union, and notwithstanding 'thereof, remain in the same force as before, (except such as 'are contrary to, or inconsistent with this treaty) but alterable 'by the parliament of *Great Britain*; with this difference be- 'twixt the laws concerning publick right, policy, and civil go- 'vernment, and those which concern private right, that the 'laws which concern publick right, policy, and civil govern- 'ment, may be made the same throughout the whole united 'kingdom; but that no alteration be made in laws which con- 'cern private right, except for evident utility of the subjects 'within *Scotland*.'

ARTICLE XIX.

College of justice. 7 Geo. 2. c. 16. § 4.

'That the court of session, or college of justice, do after the 'union, and notwithstanding thereof, remain in all time coming 'within *Scotland*, as it is now constituted by the laws of that 'kingdom, and with the same authority and privileges as before 'the union, subject nevertheless to such regulations for the bet- 'ter administration of justice, as shall be made by the parlia- 'ment of *Great Britain*; and that hereafter none shall be named 'by her Majesty, or her royal successors, to be ordinary lords of 'session, but such who have served in the college of justice as 'advocates, or principal clerks of session for the space of five 'years; or as writers to the signet for the space of ten years; 'with this provision, That no writer to the signet be capable to 'be admitted a lord of the session, unless he undergo a private 'and publick trial on the civil law, before the faculty of advo- 'cates, and be found by them qualified for the said office, two 'years before he be named to be a lord of the session; yet so as 'the qualifications made, or to be made, for capacitating per- 'sons to be named ordinary lords of session, may be altered by 'the parliament of *Great Britain*. And that the court of justi- 'ciary do also after the union, and notwithstanding thereof, re- 'main in all time coming within *Scotland*, as it is now consti- 'tuted by the laws of that kingdom, and with the same au- 'thority and privileges as before the union, subject nevertheless 'to such regulations as shall be made by the parliament of *Great* 'Britain, and without prejudice of other rights of justiciary; 'and that all admiralty jurisdictions be under the lord high ad- 'miral or commissioners for the admiralty of *Great Britain* for 'the time being; and that the court of admiralty now establish- 'ed in *Scotland* be continued, and that all reviews, reductions, 'or suspensions of the sentences in maritime cases, competent 'to the jurisdiction of that court, remain in the same manner 'after the union, as now in *Scotland*, until the parliament of 'Great Britain shall make such regulations and alterations, as 'shall be judged expedient for the whole united kingdom, so as 'there be always continued in *Scotland* a court of admiralty, 'such as in *England*, for determination of all maritime cases re- 'lating

Court of justiciary.

Admiralty jurisdictions.

'dating to private rights in *Scotland*, competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the parliament of *Great Britain*; and that the heritable rights of admiralty and vice admiralties in *Scotland* be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations, as shall be thought proper to be made by the parliament of *Great Britain*; and that all other courts now in being within the kingdom of *Scotland* do remain, but subject to alterations by the parliament of *Great Britain*; and that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in *Scotland* be cognoscible by the courts of *Chancery*, *Queen's Bench*, *Common Pleas*, or any other court in *Westminster Hall*; and that the said courts, or any other of the like nature, after the union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within *Scotland*, or stop the execution of the same; and that there be a court of *Exchequer* in *Scotland* after the union, for deciding questions concerning the revenues of customs and excise there, having the same power and authority in such cases, as the court of *Exchequer* has in *England*; and that the said court of *Exchequer* in *Scotland* have power of passing signatures, gifts, tutories, and in other things, as the court of *Exchequer* at present in *Scotland* hath; and that the court of *Exchequer* that now is in *Scotland* do remain, until a new court of *Exchequer* be settled by the parliament of *Great Britain* in *Scotland* after the union; and that after the union, the Queen's majesty, and her royal successors, may continue a privy council in *Scotland*, for preserving of publick peace and order, until the parliament of *Great Britain* shall think fit to alter it, or establish any other effectual method for that end.'

Other courts.

Court of Exchequer established for ever, by 6 Anne, c. 26. § 1.

Privy council.

ARTICLE XX.

'That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of *Scotland*, notwithstanding this treaty.'

Heretable offices.

ARTICLE XXI.

'That the rights and privileges of the royal burghs in *Scotland*, as they now are, do remain entire after the union, and notwithstanding thereof.'

Royal burghs.

ARTICLE XXII.

'That by virtue of this treaty, of the peers of *Scotland*, at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty five the number of the

Sixteen peers of Scotland to sit in the house of lords.

'representatives of *Scotland* in the house of commons of the
'parliament of *Great Britain*; and that when her Majesty, her
'heirs or successors, shall declare her or their pleasure for hold-
'ing the first or any subsequent parliament of *Great Britain*,
'until the parliament of *Great Britain* shall make further pro-
'visions therein, a writ do issue under the great seal of the united
'kingdom, directed to the privy council of *Scotland*, command-
'ing them to cause sixteen peers, who are to sit in the house of
'lords, to be summoned to parliament, and forty five members
'to be elected to sit in the house of commons of the parliament
'of *Great Britain*, according to the agreement of this treaty, in
'such manner as by an act of this present session of the parlia-
'ment of *Scotland* is or shall be settled; which act is hereby de-
'clared to be as valid as if it were a part of, and ingrossed in
'this treaty. And that the names of the persons so summon-
'ed and elected shall be returned by the privy council of *Scot-*
'*land* into the court from whence the said writ did issue. And
'that if her Majesty, on or before the first day of *May* next, on
'which day the union is to take place, shall declare under the
'great seal of *England*, That it is expedient that the lords of
'parliament of *England*, and commons of the present parliament
'of *England*, should be the members of the respective houses of
'the first parliament of *Great Britain*, for and on the part of
'*England*, then the said lords of parliament of *England*, and com-
'mons of the present parliament of *England*, shall be the mem-
'bers of the respective houses of the first parliament of *Great*
'*Britain*, for and on the part of *England*: and her Majesty may
'by her royal proclamation, under the great seal of *Great Bri-*
'*tain*, appoint the said first parliament of *Great Britain* to meet
'at such time and place as her Majesty shall think fit; which
'time shall not be less than fifty days after the date of such
'proclamation; and the time and place of the meeting of such
'parliament being so appointed, a writ shall be immediately
'issued under the great seal of *Great Britain*, directed to the
'privy council of *Scotland*, for the summoning the sixteen peers,
'and for electing forty five members, by whom *Scotland* is to be
'represented in the parliament of *Great Britain*. And the lords
'of parliament of *England*, and the sixteen peers of *Scotland*,
'such sixteen peers being summoned and returned in the man-
'ner agreed in this treaty, and the members of the house of
'commons of the said parliament of *England*, and the forty-
'five members for *Scotland*, such forty five members being elec-
'ted and returned in the manner agreed in this treaty, shall
'assemble and meet respectively, in the respective houses of the
'parliament of *Great Britain*, at such time and place as shall
'be so appointed by her Majesty, and shall be the two houses of
'the first parliament of *Great Britain*; and that parliament may
'continue for such time only, as the present parliament of
'*England* might have continued if the union of the two king-
'doms had not been made, unless sooner dissolved by her Ma-
'jesty. And that every one of the lords of parliament of *Great*
'*Britain*,

Forty five members to sit in the house of commons.

Farther provisions relating hereto.
6 Anne, c. 23. s. 3.

First parliament of Great Britain.

'*Britain*, and every member of the house of commons of the parliament of *Great Britain*, in the first and all succeeding parliaments of *Great Britain*, until the parliament of *Great Britain* shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in *England* in the first year of the reign of the late King *William* and Queen *Mary*; intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in *England* in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*; and shall take and subscribe the oath mentioned in an act of parliament made in *England*, in the first year of her Majesty's reign, intituled, *An act to declare the alterations in the oath appointed to be taken by the act*, intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of* Wales, *and all other pretenders, and their open and secret abettors, and for declaring the association to be determined*; at such time, and in such manner as the members of both houses of parliament of *England* are by the said respective acts directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, That these words, *This realm*, *The crown of this realm*, and *The Queen of this realm*, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of *England*, shall be understood of the crown and realm of *Great Britain*; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of *Great Britain*.' Members to take the oaths, &c. 1 W. & M. sess. 1. c. 8. 30 Car. 2. stat. 2. c. 1. 1 Annæ, stat. 1. c. 22.

ARTICLE XXIII.

'That the aforesaid sixteen peers of *Scotland* mentioned in the last preceding article, to sit in the house of lords of the parliament of *Great Britain*, shall have all privileges of parliament, which the peers of *England* now have, and which they, or any peers of *Great Britain* shall have after the union, and particularly the right of sitting upon the trials of peers: and in case of the trial of any peer, in time of adjournment, or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of *Great Britain*. And that in case any trials of peers shall hereafter happen, when there is no parliament in being, the sixteen peers of *Scotland*, who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of *Great Britain*; and that all peers of *Scotland*, and their successors to their ho- Privileges of the sixteen peers;

and of all the peers of Scotland.

'nours and dignities, shall from and after the union, be peers 'of *Great Britain*, and have rank and precedency next and im- 'mediately after the peers of the like orders and degrees in *Eng- 'land* at the time of the union, and before all peers of *Great 'Britain* of the like orders and degrees, who may be created 'after the union, and shall be tried as peers of *Great Britain*, 'and shall enjoy all privileges of peers, as fully as the peers of '*England* do now, or as they, or any other peers of *Great Bri- 'tain* may hereafter enjoy the same, except the right and privi- 'lege of sitting in the house of lords, and the privileges de- 'pending thereon, and particularly the right of sitting upon the 'trials of peers.'

ARTICLE XXIV.

One great seal.

'That from and after the union, there be one great seal for 'the united kingdom of *Great Britain*, which shall be different 'from the great seal now used in either kingdom: and that the 'quartering the arms, and the rank and precedency of the lyon 'king of arms of the kingdom of *Scotland*, as may best suit the 'union, be left to her Majesty: and that in the mean time, the 'great seal of *England* be used as the great seal of the united 'kingdom, and that the great seal of the united kingdom be 'used for sealing writs to elect and summon the parliament of '*Great Britain*, and for sealing all treaties with foreign princes 'and states, and all publick acts, instruments and orders of 'state, which concern the whole united kingdom, and in all 'other matters relating to *England*, as the great seal of *England*

Seal in Scotland.

'is now used: and that a seal in *Scotland* after the union be al- 'ways kept and made use of in all things relating to private

Privy seal, &c. continued.

'rights or grants, which have usually passed the great seal of '*Scotland*, and which only concern offices, grants, commissions, 'and private rights within that kingdom; and that until such 'seal shall be appointed by her Majesty, the present great seal of '*Scotland* shall be used for such purposes; and that the privy 'seal, signet, casset, signet of the justiciary court, quarter seal, 'and seals of courts now used in *Scotland* be continued; but that 'the said seals be altered and adapted to the state of the union, 'as her Majesty shall think fit; and the said seals, and all of 'them, and the keepers of them, shall be subject to such regu- 'lations as the parliament of *Great Britain* shall hereafter make.

Regalia, records of parliament, &c.

'And that the crown, sceptre, and sword of state, the records 'of parliament, and all other records, rolls and registers what- 'soever, both publick and private, general and particular, and 'warrants thereof, continue to be kept as they are within that 'part of the united kingdom now called *Scotland*; and that they 'shall so remain in all time coming, notwithstanding the union.'

ARTICLE XXV.

Laws inconsistent, void.

'That all laws and statutes in either kingdom, so far as they 'are contrary to, or inconsistent with the terms of these articles, 'or any of them, shall, from and after the union, cease and

'become

'become void, and ſhall be ſo declared to be, by the reſpective 'parliaments of the ſaid kingdoms.'

As by the ſaid articles of union, ratified and approved by the ſaid act of parliament of Scotland, *relation being thereunto had, may appear. And the tenor of the aforeſaid act for ſecuring the proteſtant religion and preſbyterian church government within the kingdom of* Scotland, *is as follows:*

II. 'OUR ſovereign Lady, and the eſtates of parliament, conſidering that by the late act of parliament, for a treaty with *England* for an union of both kingdoms, it is provided, That the commiſſioners for that treaty ſhould not treat of or concerning any alteration of the worſhip, diſcipline, and government of the church of this kingdom as now by law eſtabliſhed: which treaty being now reported to the parliament, and it being reaſonable and neceſſary that the true proteſtant religion, as preſently profeſſed within this kingdom, with the worſhip, diſcipline, and government of this church, ſhould be effectually and unalterably ſecured: therefore her Majeſty, with advice and conſent of the ſaid eſtates of parliament, doth hereby eſtabliſh and confirm the ſaid true proteſtant religion, and the worſhip, diſcipline, and government of this church, to continue without any alteration to the people of this land in all ſucceeding generations; and more eſpecially her Majeſty, with advice and conſent aforeſaid, ratifies, approves, and for ever confirms the fifth act of the firſt parliament of King *William* and Queen *Mary*, intituled, *Act ratifying the confeſſion of faith, and ſettling preſbyterian church government*; with all other acts of parliament relating thereto, in proſecution of the declaration of the eſtates of this kingdom, containing the claim of right, bearing date the eleventh of *April*, one thouſand ſix hundred and eighty nine: and her Majeſty, with advice and conſent aforeſaid, expreſly provides and declares, That the foreſaid true proteſtant religion, contained in the above mentioned confeſſion of faith, with the form and purity of worſhip preſently in uſe within this church, and its preſbyterian church government and diſcipline (that is to ſay) the government of the church by kirk ſeſſions, preſbyteries, provincial ſynods, and general aſſemblies, all eſtabliſhed by the foreſaid acts of parliament, purſuant to the claim of right, ſhall remain and continue unalterable, and that the ſaid preſbyterian government ſhall be the only government of the church within the kingdom of *Scotland*.' Act for ſecuring the proteſtant religion, and preſbyterian church government in Scotland.

III. 'And further, for the greater ſecurity of the foreſaid proteſtant religion, and of the worſhip, diſcipline, and government of this church, as above eſtabliſhed, her Majeſty, with advice and conſent aforeſaid, ſtatutes and ordains, That the univerſities and colleges of Saint *Andrews*, *Glaſgow*, *Aberdeen*, and *Edinburgh*, as now eſtabliſhed by law, ſhall continue within this kingdom for ever; and that in all time coming, no Univerſities and colleges to continue.

'professors, principals, regents, masters, or others, bearing 'office in any university, college, or school within this king-'dom, be capable to be admitted, or allowed to continue in the 'exercise of their said functions, but such as shall own and ac-'knowledge the civil government in manner prescribed or to be 'prescribed by the acts of parliament; as also, that before, or 'at their admissions, they do and shall acknowledge and pro-'fess, and shall subscribe to the foresaid confession of faith, as 'the confession of their faith, and that they will practise and 'conform themselves to the worship presently in use in this 'church, and submit themselves to the government and dis-'cipline thereof, and never endeavour directly or indirectly the 'prejudice or subversion of the same, and that before the re-'spective presbyteries of their bounds, by whatsoever gift, pre-'sentation or provision they may be thereto provided.

Subjects not liable to any oath inconsistent with the said church government.

IV. 'And further, her Majesty, with advice aforesaid, ex-'pressly declares, and statutes, That none of the subjects of this 'kingdom shall be liable to, but all and every one of them for 'ever free of any oath, test or subscription within this kingdom, 'contrary to, or inconsistent with the foresaid true protestant re-'ligion, and presbyterian church government, worship, and 'discipline, as above established; and that the same within the 'bounds of this church and kingdom, shall never be imposed 'upon, or required of them, in any sort. And lastly, That

Queen's successors to maintain the same.

'after the decease of her present Majesty, (whom God long 'preserve) the sovereign succeeding to her in the royal govern-'ment of the kingdom of *Great Britain*, shall in all time coming 'at his or her accession to the crown, swear and subscribe, that 'they shall inviolably maintain and preserve the foresaid settle-'ment of the true protestant religion, with the government, 'worship, discipline, right, and privileges of this church, as 'above established by the laws of this kingdom in prosecution 'of the claim of right.'

Act to be for ever observ'd as an essential part of any treaty, &c. between the kingdoms.

V. 'And it is hereby statute and ordained, That this act of 'parliament, with the establishment therein contained, shall be 'held and observed in all time coming, as a fundamental and 'essential condition of any treaty or union to be concluded be-'twixt the two kingdoms, without any alteration thereof, or 'derogation thereto in any sort for ever: as also, That this act 'of parliament, and settlement therein contain'd, shall be in-'sert and repeated in any act of parliament that shall pass for 'agreeing and concluding the foresaid treaty or union betwixt 'the two kingdoms; and that the same shall be therein expressly 'declared to be a fundamental and essential condition of the said 'treaty or union in all time coming: which articles of union, 'and act immediately above-written, her Majesty, with advice 'and consent aforesaid, statutes, enacts, and ordains to be 'and continue, in all time coming, the sure and perpetual 'foundation of a compleat and entire union of the two king-'doms of *Scotland* and *England*, under the express condition and 'provision, that this approbation and ratification of the fore-

'said

'said articles and act shall be no ways binding on this kingdom, 'until the said articles and act be ratified, approved, and confirmed by her Majesty, with and by the authority of the parliament of *England*, as they are now agreed to, approved and confirmed by her Majesty, with and by the authority of the parliament of *Scotland*; declaring nevertheless, that the parliament of *England* may provide for the security of the church of *England* as they think expedient, to take place within the bounds of the said kingdom of *England*, and not derogating from the security above provided for establishing of the church of *Scotland* within the bounds of this kingdom; as also the said parliament of *England* may extend the additions and other provisions contained in the articles of union, as above insert, in favours of the subjects of *Scotland*, to and in favours of the subjects of *England*; which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of *Scotland*.'

Parliament of England may provide for security of church of England, &c.

VI. 'And lastly, her Majesty enacts and declares, That all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, as above-mentioned, shall from and after the union cease and become void.'

All laws, &c. inconsistent with articles of union, to cease.

VII. 'And whereas an act hath passed in this present session of parliament, intituled, *An act for securing the church of* England *as by law established*; the tenor whereof follows:

5 Annæ, c. 5.

'WHEREAS by an act made in the session of parliament held in the third and fourth year of her Majesty's reign, whereby her Majesty was impowered to appoint commissioners, under the great seal of *England*, to treat with commissioners to be authorized by the parliament of *Scotland*, concerning an union of the kingdoms of *England* and *Scotland*, it is provided and enacted, That the commissioners to be named in pursuance of the said act should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church as by law established within this realm: and whereas certain commissioners appointed by her Majesty in pursuance of the said act, and also other commissioners nominated by her Majesty by the authority of the parliament of *Scotland*, have met and agreed upon a treaty of union of the said kingdoms; which treaty is now under the consideration of this present parliament: and whereas the said treaty (with some alterations therein made) is ratified and approved by act of parliament in *Scotland*; and the said act of ratification is, by her Majesty's royal command, laid before the parliament of this kingdom: and whereas it is reasonable and necessary, that the true protestant religion professed and established by law in the church of *England*, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured; be it enacted by

Act for securing the church of *England*, recited.

'the Queen's moſt excellent majeſty, by and with the advice 'and conſent of the lords ſpiritual and temporal, and the com- 'mons, in this preſent parliament aſſembled, and by au- 'thority of the ſame, That an act made in the thirteenth year 13 Eliz. c. 12. 'of the reign of Queen *Elizabeth*, of famous memory, intituled, '*An act for the miniſters of the church to be of ſound religion*; and 'alſo another act made in the thirteenth year of the reign of 13 & 14 Car. 2. c. 4. 'the late King *Charles* the Second, intituled, *An act for the uni- 'formity of the publick prayers and adminiſtration of ſacraments; 'and other rites and ceremonies, and for eſtabliſhing the form of 'making, ordaining, and conſecrating biſhops, prieſts, and deacons in 'the church of* England (other than ſuch clauſes in the ſaid acts, 'or either of them, as have been repealed or altered by any 'ſubſequent act or acts of parliament) and all and ſingular other 'acts of parliament now in force for the eſtabliſhment and pre- 'ſervation of the church of *England*, and the doctrine, worſhip, 'diſcipline, and government thereof, ſhall remain and be in 'full force for ever.'

Queen's ſucceſſors to take an oath, to maintain the church of England.

VIII. 'And be it further enacted by the authority aforeſaid, 'That after the demiſe of her Majeſty (whom God long pre- 'ſerve) the ſovereign next ſucceeding to her Majeſty in the 'royal government of the kingdom of *Great Britain*, and ſo for 'ever hereafter, every King or Queen ſucceeding and coming 'to the royal government of the kingdom of *Great Britain*, at 'his or her coronation, ſhall in the preſence of all perſons who 'ſhall be attending, aſſiſting, or otherwiſe then and there pre- 'ſent, take and ſubſcribe an oath to maintain and preſerve in- 'violably the ſaid ſettlement of the church of *England*, and the 'doctrine, worſhip, diſcipline, and government thereof, as by 'law eſtabliſhed within the kingdoms of *England* and *Ireland*, 'the dominion of *Wales*, and town of *Berwick* upon *Tweed*, and 'the territories thereunto belonging.'

Act to be an eſſential part of any treaty, &c.

IX. 'And be it further enacted by the authority aforeſaid, 'That this act, and all and every the matters and things there- 'in contained, be, and ſhall for ever be holden and adjudged 'to be a fundamental and eſſential part of any treaty of union 'to be concluded between the ſaid two kingdoms; and alſo that 'this act ſhall be inſerted in expreſs terms in any act of par- 'liament which ſhall be made for ſettling and ratifying any ſuch 'treaty of union, and ſhall be therein declared to be an eſſen- 'tial and fundamental part thereof.'

Articles of union, and the act for eſtabliſhing preſbyterian church government, &c. ratified and confirmed.

X. May it therefore pleaſe your moſt excellent Majeſty, that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every the ſaid articles of union as ratified and approved by the ſaid act of parliament of *Scotland*, as aforeſaid, and herein before particularly mentioned and inſerted; and alſo the ſaid act of parliament of *Scotland* for eſtabliſhing the proteſtant reli-

gion

gion and presbyterian church government within that kingdom, intituled, *An act for securing the protestant religion, and presbyterian church government*, and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby for ever ratified, approved, and confirmed.

5 Annæ, c. 5. Acts for settling the church governments in England and Scotland, &c. declared essential parts of the union.

XI. And it is hereby further enacted by the authority aforesaid, That the said act passed in this present session of parliament, intituled, *An act for securing the church of* England, *as by law established*, and all and every the matters and things therein contained, and also the said act of parliament of *Scotland*, intituled, *An act for securing the protestant religion, and presbyterian church government*, with the establishment in the said act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said articles and union; and the said articles of union so as aforesaid ratified, approved and confirmed by act of parliament of *Scotland*, and by this present act, and the said act passed in this present session of parliament, intituled, *An act for securing the church of* England *as by law established*, and also the said act passed in the parliament of *Scotland*, intituled, *An act for securing the protestant religion, and presbyterian church government*, are hereby enacted and ordained to be and continue in all times coming the compleat and entire union of the two kingdoms of *England* and *Scotland*.

5 Annæ, c. 5.

Act settling the manner of electing the representatives of Scotland.

XII. *And whereas since the passing the said act in the parliament of* Scotland, *for ratifying the said articles of union, one other act, intituled*, An act settling the manner of electing the sixteen peers, and forty five members, to represent *Scotland* in the parliament of *Great Britain*, *hath likewise passed in the said parliament of* Scotland *at* Edinburgh, *the fifth day of* February, *one thousand seven hundred and seven, the tenor whereof follows:*

Tenor of the act.

'OUR sovereign Lady considering, That by the twenty second article of the treaty of union, as the same is ratified by an act passed in this session of parliament, upon the sixteenth of *January* last, it is provided, That by virtue of the said treaty, of the peers of *Scotland*, at the time of the union, sixteen shall be of the number to sit and vote in the house of lords, and forty five the number of the representatives of *Scotland* in the house of commons of the parliament of *Great Britain*; and that the said sixteen peers, and forty five members in the house of commons, be named and chosen in such manner as by a subsequent act in this present session of parliament in *Scotland*, should be settled; which act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said treaty: therefore her Majesty, with the advice and consent of the estates of parliament, statutes, enacts, and ordains, That the said sixteen peers, who shall have right to sit in the house of peers in the parliament of *Great Britain*, on

How the sixteen peers shall be elected.

'on the part of *Scotland*, by virtue of this treaty, ſhall be named 'by the ſaid peers of *Scotland*, whom they repreſent, their heirs 'or ſucceſſors to their dignities and honours, out of their own 'number, and that by open election and plurality of voices of 'the peers preſent, and of the proxies for ſuch as ſhall be ab-'ſent, the ſaid proxies being peers, and producing a mandate 'in writing duly ſigned before witneſſes, and both the conſti-'tuent and proxy being qualified according to law; declaring 'alſo, That ſuch peers as are abſent, being qualified as afore-'ſaid, may ſend to all ſuch meetings liſts of the peers whom 'they judge fitteſt, validly ſigned by the ſaid abſent peers, which 'ſhall be reckoned in the ſame manner as if the parties had 'been preſent, and given in the ſaid liſt; and in caſe of the 'death, or legal incapacity of any of the ſaid ſixteen peers, that 'the aforeſaid peers of *Scotland* ſhall nominate another of their own 'number, in place of the ſaid peer or peers, in manner before

And alſo the forty five repreſentatives.

'and after mentioned: and that of the ſaid forty five repre-'ſentatives of *Scotland* in the houſe of commons in the parlia-'ment of *Great Britain*, thirty ſhall be choſen by the ſhires or 'ſteuartries, and fifteen by the royal burrows, as follows, *viz.* 'one for every ſhire and ſteuartry, excepting the ſhires of *Bute* 'and *Cathneſs*, which ſhall chooſe one by turns, *Bute* having 'the firſt election; the ſhires of *Nairn* and *Cromarty*, which 'ſhall alſo chooſe by turns, *Nairn* having the firſt election; and 'in like manner the ſhires of *Clackmanan* and *Kinroſs* ſhall chooſe 'by turns, *Clackmanan* having the firſt election; and in caſe of 'the death or legal incapacity of any of the ſaid members from 'the reſpective ſhires or ſteuartries above-mentioned, to ſit 'in the houſe of commons, it is enacted and ordained, That 'the ſhire or ſteuartry, who elected the ſaid member, ſhall elect 'another member in his place; and that the ſaid fifteen repre-'ſentatives for the royal burrows be choſen as follows, *viz.* 'That the town of *Edinburgh* ſhall have right to elect and ſend 'one member to the parliament of *Great Britain*; and that each 'of the other burghs ſhall elect a commiſſioner in the ſame 'manner as they are now in uſe to elect commiſſioners to the 'parliament of *Scotland*, which commiſſioners and burghs (*Edin-burgh* excepted) being divided in fourteen claſſes or diſtricts, 'ſhall meet at ſuch time and burghs within their reſpective di-'ſtricts, as her Majeſty, her heirs or ſucceſſors ſhall appoint, 'and elect one for each diſtrict, viz. The burghs of *Kirkwall*, *Week*, *Dornock*, *Dingwall*, and *Taine*, one; the burghs of *Fortroſe*, *Inverneſs*, *Nairn*, and *Forreſs*, one; the burghs of *Elgin*, *Cullen*, *Banff*, *Inverury*, and *Kintore*, one; the burghs of *Aberdeen*, *Inverbervy*, *Montroſe*, *Aberbrothock*, and *Bruchine*, one; the burghs of *Forfar*, *Perth*, *Dundee*, *Coupar*, and St. *Andrews*, one; the burghs of *Crail*, *Kilrennie*, *Anſtruther Eaſter*, *Anſtruther Weſter*, and *Pittenweem*, one; the burghs of *Dyſart*, *Kirkaldie*, *Kingborn*, and *Bruntiſland*, one; the burghs of *Innerkithen*, *Dumfermline*, *Queensferry*, *Culroſs*, and *Sterling*, one; the burghs of *Glaſgow*, *Renfrew*, *Rugler*, and

'*Dum-*

'*Dumbartan*, *one*; the burghs of *Haddington*, *Dunbarr*, *North* '*Berwick*, *Lauder*, and *Jedburgh*, one; the burghs of *Selkirk*, '*Peebles*, *Linlithgow*, and *Lanerk*, one; the burghs of *Dumfries*, '*Sanquhar*, *Annan*, *Lockmaben*, and *Kirkeudbright*, one; the 'burghs of *Wigtoun*, *New Galloway*, *Stranraver*, and *White-* '*hern*, one; and the burghs of *Air*, *Irvin*, *Rothesay*, *Cambletoun*, 'and *Inverary*, one: and it is hereby declared and ordained, 'That where the votes of the commissioners for the said burghs, 'met to choose representatives from their several districts to the 'parliament of *Great Britain*, shall be equal, in that case the 'president of the meeting shall have a casting or decisive vote, 'and that by and according to his vote as a commissioner from 'the burgh from which he is sent; the commissioner from the 'eldest burgh presiding in the first meeting, and the commis- 'sioners from the other burghs in their respective districts pre- 'siding afterwards by turns, in the order as the said burghs are 'now called in the rolls of the parliament of *Scotland*; and that 'in case any of the said fifteen commissioners from burghs shall 'decease or become legally incapable to sit in the house of com- 'mons, then the town of *Edinburgh*, or the district which chose 'the said member, shall elect a member in his or their place: 'it is always hereby expresly provided and declared, That none 'shall be capable to elect or be elected for any of the said estates, 'but such as are twenty one years of age compleat, and pro- 'testant, excluding all papists, or such who being suspect of 'popery, and required, refuse to swear and subscribe the *For-* '*mula* contained in the third act made in the eighth and ninth 'sessions of King *William*'s parliament, intituled, *An act for* '*preventing the growth of popery*; and also declaring, that none 'shall be capable to elect, or be elected, to represent a shire or 'burgh in the parliament of *Great Britain*, for this part of the 'united kingdom, except such as are now capable by the laws of 'this kingdom, to elect, or be elected as commissioners for 'shires or burghs to the parliament of *Scotland*: and further, 'her Majesty, with advice and consent aforesaid, for the effec- 'tual and orderly election of the persons to be chosen to sit, 'vote, and serve in the respective houses of the parliament of '*Great Britain*; when her Majesty, her heirs and successors, 'shall declare her or their pleasure for holding the first or any 'subsequent parliament of *Great Britain*, and when for that ef- 'fect a writ shall be issued out under the great seal of the united 'kingdom, directed to the privy council of *Scotland*, conform 'to the said twenty second article, statutes, enacts, and ordains, 'That until the parliament of *Great Britain* shall make further 'provision therein, the said writ shall contain a warrant and 'command to the said privy council, to issue out a proclama- 'tion in her Majesty's name, requiring the peers of *Scotland*, 'for the time, to meet and assemble at such time and place 'within *Scotland*, as her Majesty and royal successors shall think 'fit, to make election of the said sixteen peers, and requiring the 'lord clerk register, or two of the clerks of session, to attend all

'such

'such meetings, and to administer the oaths that are or shall be
'by law required, and to ask the votes; and having made up
'the list in the presence of the meeting, to return the names of
'the sixteen peers chosen (certified under the subscription of
'the said lord clerk register, clerk or clerks of session attending)
'to the clerk of the privy council of *Scotland*, and in like man-
16 Geo. 2. c. 11. 'ner requiring and ordaining the several freeholders in the re-
'spective shires and steuartries, to meet and convene at the
'head burghs of their several shires and steuartries, to elect
'their commissioners, to conform to the order above set down,
'and ordaining the clerks of the said meetings immediately af-
'ter the said elections are over, respectively to return the names
'of the persons elected to the clerks of the privy council: and
'lastly, ordaining the city of *Edinburgh* to elect their commis-
'sioner, and the other royal burrows to elect each of them a
'commissioner, as they have been in use to elect commissioners
'to the parliament, and to send the said respective commission-
'ers at such times, to such burghs, within their respective di-
'stricts, as her Majesty and successors by such proclamation
'shall appoint; requiring and ordaining the common clerk of
'the respective burghs, where such election shall be appointed
'to be made, to attend the said meetings, and immediately af-
'ter the election to return the name of the person so elected
'(certified under his hand) to the clerk of privy council, to the
'end that the names of the sixteen peers, thirty commissioners
'for shires, and fifteen commissioners for burghs, being so re-
'turned to the privy council, may be returned to the court
'from whence the writ did issue under the great seal of the
'united kingdom, conform to the said twenty second article:
'and whereas by the said twenty second article it is agreed, That
'if her Majesty shall on or before the first day of *May* next de-
'clare, that it is expedient the lords and commons of the pre-
'sent parliament of *England*, should be the members of the re-
'spective houses of the first parliament of *Great Britain*, for
'and on the part of *England*, they shall accordingly be the
'members of the said respective houses, for and on the part of
'*England*; her Majesty, with advice and consent aforesaid, in
'that case only, doth hereby statute and ordain, That the six-
'teen peers, and forty five commissioners for shires and burghs,
'who shall be chosen by the peers, barons, and burghs respec-
'tively, in this present session of parliament, and out of the
'members thereof, in the same manner as committees of par-
'liament are usually now chosen, shall be the members of the
'respective houses of the said first parliament of *Great Britain*,
'for and on the part of *Scotland*. Which nomination and
'election being certified by a writ under the lord clerk register's
'hand, the persons so nominated and elected shall have right
'to sit and vote in the house of lords, and in the house of com-
'mons, of the said first parliament of *Great Britain*.'

XIII. *As*

XIII. *As by the ſaid act paſſed in* Scotland, *for ſettling the manner of electing the ſixteen peers, and forty five members, to repreſent* Scotland *in the parliament of* Great Britain, *may appear*; be it therefore further enacted and declared by the authority aforeſaid, That the ſaid laſt-mentioned act paſſed in *Scotland* for ſettling the manner of electing the ſixteen peers, and forty five members, to repreſent *Scotland* in the parliament of *Great Britain*, as aforeſaid, ſhall be, and the ſame is hereby declared to be as valid as if the ſame had been part of, and engroſſed in the ſaid articles of union ratified and approved by the ſaid act of parliament of *Scotland*, and by this act, as aforeſaid. Act aforeſaid declared valid.

CAP. IX.

An act for rendring more effectual an act paſſed in the firſt year of her Majeſty's reign, intituled, An act for the better preventing eſcapes out of the *Queen's Bench* and *Fleet Priſons.*

WHEREAS *the inheritance and cuſtody of ſeveral county gaols are in private perſons, by means whereof the good intent of a certain act made in the firſt year of her Majeſty's reign, intituled,* An act for the better preventing eſcapes out of the *Queen's Bench* and *Fleet Priſons, may be in ſome counties defeated and eluded*: to the end therefore that the ſaid act may be rendred more effectual; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, who from and after the five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and ſeven, ſhall be ſeized or taken by virtue or authority of the ſaid act, ſhall inſtead of being committed to the common gaol of the county wherein ſuch perſon or perſons ſhall be taken, be conveyed and committed to the priſon or place where the ſheriff of ſuch county detains or keeps the debtors or priſoners for debt or damage, there to remain in the cuſtody of the ſheriff of ſuch county, ſubject to the ſame rules and directions, and under the ſame reſtrictions, regulations, and penalties, and in ſuch manner and form in all and every reſpect, as if the ſaid perſon or perſons had been committed to the common gaol of the county; and if any perſon or perſons ſo taken and committed, as aforeſaid, ſhall at any time make any eſcape out of the ſaid priſon or place to which he, ſhe, or they be ſo committed, as aforeſaid, the ſheriff in whoſe cuſtody he, ſhe, or they was or were, ſhall be anſwerable for ſuch eſcape to the party grieved, in like manner as in the caſe of any other eſcape.

1 Annæ, ſtat. 2. c. 6.

Perſons taken by virtue of 1 Annæ, c. 6. to be committed to priſon where ſheriff keeps priſoners for debt, and remain in ſheriff's cuſtody.

Sheriff anſwerable for eſcape.

II. And to the intent that the benefit of the ſaid former act may the more eaſily be had, in caſe the perſon or perſons eſcaping ſhall be ſeen in places diſtant from the city of *London*; be it further enacted, That it ſhall and may be lawful to and for any one of the judges of the reſpective courts in the ſaid former act mentioned, to grant like warrant and warrants, upon oath in writing to

Eſcape warrant may be granted upon affidavit made in the country.

to be made before any perſon commiſſionated under the ſeal of the ſame court to take affidavits in the country, (the ſame oath being firſt duly filed) as by the ſaid former act he is impowered to do upon like oath made before himſelf.

Perſons may be apprehended by warrant on a Sunday.

III. And be it declared and enacted, That it is and ſhall be lawful to apprehend and take, upon the Lord's day, any perſon or perſons by virtue of any warrant or warrants granted in purſuance of this or of the ſaid former act.

Perſons in cuſtody of ſheriff on a decree, and making his eſcape, ſheriff liable to pay, &c.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons is, are or ſhall be in cuſtody of any ſheriff or other officer, either by virtue of the ſaid act, or of this preſent act, or otherwiſe, for not performing any decree of the high court of *Chancery*, or court of *Exchequer*, whereby any ſum or ſums of money is ordered or decreed to be paid, and ſhall afterwards make any eſcape from the ſaid ſheriff or other officer, that then and in ſuch caſe the perſon and perſons, their executors or adminiſtrators, to whom the money was to be paid by the ſaid decree, ſhall have the ſame remedy againſt the ſaid ſheriff, as if ſuch perſon or perſons ſo eſcaping had been in cuſtody upon an execution at law, and ſhall and may recover the ſeveral ſum and ſums of money decreed to be paid to him, her, or them in and by ſuch decree, againſt ſuch ſheriff or other officer, together with his, her, or their coſts of ſuit, in any action or actions of debt, or upon the caſe to be brought or commenced againſt ſuch ſheriff or other officer in any of her Majeſty's courts of record at *Weſtminſter*, wherein no protection or wager of law ſhall be admitted, or any more than one imparlance; any law, uſage, or cuſtom to the contrary in any wiſe notwithſtanding.

Act to be a general law.

V. And for the prevention of diſputes touching this preſent act; be it enacted by the authority aforeſaid, That the ſame and every clauſe and thing therein contained, ſhall be adjudged and taken to be a general law, and that it ſhall not be needful to ſet forth the ſame in pleading, or any part thereof.

CAP. X.

EXP.

An act for repairing the highway between Heckliffe and Woborne in the county of Bedford.

CAP. XI.

15 Car. 2. c. 1. 16 & 17 Car. 2. c. 10. 4 & 5 W. & M. c. 9. 6 Geo. 1. c. 28.

An act for continuing the acts formerly made for repairing of the highways in the county of Hertford.

For repair of the highways in the county of Hertford. Moiety of the toll taken at Wades Mill, continued for 15 years. If highways be before ſufficiently repaired, toll to ceaſe. Power of officers, &c. in the former acts continued. *Repealed as to the county of* Hertford, *by* 6 Geo. 2. c. 24.

CAP. XII.

An act for the enlarging the paſſage leading to New Palace Yard through the Gatehouſe, Weſtminſter. EXP.

CAP. XIII.

1 Ann. ſtat. 1. c. 13. 9 & 10 W. 3. c. 44.

An act for continuing the duties upon houſes to ſecure a yearly fund for circulating Exchequer bills, whereby a ſum not exceeding fifteen hundred thouſand pounds is intended to be raiſed for carrying on the war and other her Majeſty's occaſions.

Duties

Duties on houſes granted by 7 & 8 W. 3. c. 18. &c. continued for ever. Subject to redemption. Former powers revived. Farther proviſions relating hereto, 7 Ann. c. 7. Duties after laſt July, 1710. appropriated for a yearly fund for circulating Exchequer bills. Exchequer bills to be made forth for any ſum not exceeding 1500000l. Bills ſo iſſued to be taken for taxes, &c. Bank to have 4l. 10 s. per cent. for circulating Exchequer bills, in proportion as the ſame ſhall be iſſued, &c. Lord treaſurer, &c. on the four quarterly feaſt days of the year, from the firſt iſſuing of the bills until Michaelmas, 1710. to compute the ſum due to bank on every ſuch feaſt day, &c. and make out new bills, &c. Officers, &c. to be appointed for managing and levying the duties. Account of monies to be kept in auditor's office. Allowance to be paid at the Exchequer weekly. Penalty on officer miſapplying monies, &c. Surplus of duties, &c. diſpoſable to publick uſe. Bank to exchange Exchequer bills for ready money, with intereſt due, and remain a corporation until bills be cancell'd. Bank refuſing to pay bill, perſon demanding may bring his action. No intereſt to run after bill is paid into Exchequer, &c. Intereſt bills paid to collector of taxes, &c. to be ſign'd, and day of the month wrote when paid, &c. On one year's notice, and payment of the principal and intereſt, bills to be cancell'd, and the fund to ceaſe, &c. Forging or counterfeiting bill, &c. felony. Bank to have one part of the checques of all ſuch bills. Governor, &c. may call in any ſums neceſſary for circulating bills. Member neglecting to pay his ſhare, dividend to be ſtopt. Fund not liable to foreign attachment. Exempt from taxes, and to be deemed a perſonal eſtate, and go to executors. Until bills be cancell'd no other Exchequer bills to be iſſued. Not to hinder redemption of original fund of 100,000l. per annum granted to bank. Lottery tickets, Exchequer bills, &c. burnt or loſt before 6 February, 1706. Officers, &c. on certificate and affidavit, &c. to make forth new ones. *Repealed, and other duties granted, by* 10 Geo. 2. c. 3.

1 Ann. ſtat. 1. c. 13.

CAP. XIV.

An act for the better preſervation of the game.

WHEREAS *ſeveral laws have been already enacted for the better preſervation of the game, and by experience been found not ſufficient to prevent deſtroying the game, by reaſon of the multitude of higlars and other chapmen, which give great encouragement to idle looſe perſons to neglect their lawful employments, to follow and deſtroy the ſame*; for remedy whereof, and the more effectual preſervation of the game, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every of the laws now in being for the better preſervation of the game, ſhall continue, remain, and be in the ſame force, not hereby repealed or altered.

All laws for preſervation of the game to continue in force, &c.

II. And be it further enacted by the authority aforeſaid, That if any higlar, chapman, carrier, inn-keeper, victualler, or alehouſe-keeper, ſhall from and after the firſt day of *May*, one thouſand ſeven hundred and ſeven, have in his or their cuſtody or poſſeſſion any hare, pheaſant, partridge, moor, heath-game, or grouſe, or ſhall buy, ſell, or offer to ſell any hare, pheaſant, partridge, moor, heath-game, or grouſe, every ſuch higlar, chapman, inn-keeper, victualler, alehouſe-keeper, or carrier (unleſs ſuch game in the hands of ſuch carrier be ſent up by perſon or perſons qualified to kill the game) ſhall upon every ſuch offence be carried before ſome juſtice of the peace for the county, riding,

Higlar, carrier, &c. not to have in his cuſtody any hare, pheaſant, partridge, &c. or buy or ſell hare, &c. on penalty of 5l.

city, or town corporate, or liberties where the ſaid offence is committed; and upon view, or upon the oath of one or more credible witneſſes, ſhall be convicted of the ſame, ſhall forfeit for every hare, pheaſant, patridge, moor, heath-game, or grouſe, the ſum of five pounds, one half to the informer, and the other half to the poor of the pariſh where the offence was committed; the ſame to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the juſtice or juſtices of the peace before whom ſuch offender or offenders ſhall be convicted, rendring the overplus (if any be) the charge of diſtraining being firſt deducted; and for want of diſtreſs, the offender or offenders be committed to the houſe of correction for the firſt offence, for the ſpace of three months, without bail or mainprize, and for every ſuch other offence, for the ſpace of four months; provided, that ſuch conviction be made within three months after ſuch offence committed; and that if any *Certiorari* ſhall be allowed to remove any conviction made, or other proceedings of or concerning any matter or thing in this act, into any of the courts at *Weſtminſter*, upon any pretence whatſoever, unleſs the party or parties, againſt whom ſuch conviction ſhall be made, ſhall, before the allowance of ſuch *Certiorari*, become bound to the perſon or perſons proſecuting the ſame, in the ſum of fifty pounds, with ſuch ſufficient ſecurities as the juſtice or juſtices of the peace, before whom ſuch offender ſhall be convicted, ſhall think fit, with condition to pay unto the proſecutors, within fourteen days after ſuch conviction or *Procedendo* granted, their full coſts and charges, to be aſcertained upon their oaths; and that in default thereof, it ſhall be lawful for the ſaid juſtice or juſtices, or others, to proceed for the due execution of ſuch conviction, in ſuch manner as if no ſuch *Certiorari* had been awarded.

to be levied by diſtreſs, &c.

Encouragement to deſtroyers of the game, to make diſcoveries.

III. And for the better diſcovery of ſuch higler, chapman, carrier, inn-keeper, alehouſe-keeper, and victualler, as ſhall offer to buy or ſell any hare, pheaſant, patridge, moor, heath-game, or grouſe; be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, any perſon that ſhall deſtroy, ſell, or buy any hare, pheaſant, moor, heath-game, or grouſe, and ſhall within three months make diſcovery of any higler, chapman, carrier, inn-keeper, alehouſe-keeper, or victualler, that hath bought or ſold, or offered to buy or ſell, or had in their poſſeſſion any hare, pheaſant, partridge, moor, heath-game, or grouſe, ſo as any one ſhall be convicted of ſuch offence, in manner as aforeſaid, ſuch diſcoverer to be diſcharged of the pains and penalties hereby enacted for killing or ſelling ſuch game, as aforeſaid, ſhall receive the ſame benefit or advantage as any other informer ſhall be entitled to, by virtue of this act, for ſuch diſcovery and information.

Perſons not qualified to keep grey-hounds, &c.

IV. And be it enacted by the authority aforeſaid, That if any perſon or perſons, not qualified by the laws of this realm ſo to do, ſhall keep or uſe any grey hounds, ſetting dogs, hayes, lurchers, tunnells, or any other engines to kill and deſtroy the game,

game, and shall be thereof convicted upon the oath of one or two credible witnesses, by the justice or justices of the peace where such offence is committed, as aforesaid, the person or persons so convicted, shall forfeit the sum of five pounds; one half to be paid to the informer, and the other half to the poor of the parish where the same was committed; the same to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of such justice or justices, before whom such person or persons shall be convicted, as aforesaid; and for want of such distress, the offender or offenders shall be sent to the house of correction for the space of three months for the first offence, and for every such other offence, four months; and that it shall and may be lawful to and for any of her Majesty's justices of the peace, in their respective counties, ridings, cities, towns corporate, or liberty, and the lords and ladies of his, her, their, or any of their respective manors, within the said manors, to take away any such hare, pheasant, partridge, moor, heath-game, or grouse, or any other game, from any such higler, chapman, inn-keeper, victualler, or carrier, or any other person or persons not qualified to kill the same, and shall be found in their custody or possession; and likewise to take away such dogs, nets, or other engines, which shall be in the power or custody of any person or persons not qualified by the laws to keep the same, to their own proper use, without being accountable to any person or persons for the same; and that it shall and may be lawful for any lord or lady of his or her respective lordship or manor, by writing under his or her hand and seal, to impower his or her game-keeper or game-keepers, upon his or her own lordship or manor, as aforesaid, to kill hare, pheasant, partridge, or any other game whatsoever; but if the said game-keeper shall, under colour or pretence of the said power and authority to kill or take the same for the use of such lord or lady, and afterwards sell and dispose thereof to any person or persons whatsoever, without the consent or knowledge of the lord or lady of such manor or manors that hath given such power or authority, in manner as aforesaid, and shall be thereof convicted upon the complaint of such lord or lady of any manor, and upon the oath of one or more credible witnesses, before any one or more of her Majesty's justices of the peace, as aforesaid, upon such conviction such game-keeper shall be committed to the house of correction for the space of three months, and there to be kept to hard labour. And this act shall remain and be in force for the space of three years, from the first day of *May*, one thousand seven hundred and seven, and from thence to the end of the next sessions of parliament, and no longer.

and destroy the game, to forfeit 5*l*.

to be levied by distress and sale, &c.

Justices, or lords of manors, &c. may take away any hare, &c. from higlar, or person not qualified:

And also their dogs, nets, &c. by 3 Geo. 1. c. 1.

None shall be made game-keepers but persons qualified or the lords servants.

Penalty on game keeper, killing the game, and selling it without consent of lord of manor, &c.

This act made perpetual by 9 *Ann. c.* 25. *as altered by that act.*

V. *And whereas the burning of heath, ling and brakes or fern upon the forest of* Sherwood *in the county of* Nottingham, *and in the parts thereunto adjacent, as it is frequently used by divers disorderly and dissolute persons, doth not only destroy the breed of game, but hath also very frequently been the occasion of burning, damaging, and destroying, of great quantities of wood, timber, and fences within the*

said

said forest, and places thereunto adjacent, to the great damage and prejudice of the owners thereof; be it further enacted by the authority aforesaid, That if any person or persons shall, at any time after the said first day of *May*, set fire to any ling, heath, or brakes growing upon any part of the said forest, or on any other waste, common, or land within the said county of *Nottingham*, or shall cut any ling, heath, or brakes, in order to be burnt to ashes upon the ground, or shall burn the same to ashes upon the ground, in any part of the said forest, or in any waste, common, or land, lying within the said county, without licence from the owner of the soil where such offence shall be committed, shall forfeit to the owner of the soil where such offence shall be committed, ten shillings, and all the ashes which shall be so burnt; and every person and persons who shall buy fern ashes of any such unlicensed person or persons within the said county, shall forfeit for every peck of such ashes, which shall be so bought, the sum of ten shillings; one moiety thereof to the poor of the parish where such offence shall be committed, and the other moiety thereof to such person or persons as shall give information of the said offence; and it shall be lawful for the keepers and officers of such parts of the said forest, and for the owners of the land or soil where any the said offences shall be committed, their servants and agents, to take away, for his and their own use, the scithes, rakes, and other instruments to be used for any the purposes aforesaid, of every person and persons whom they shall find so offending; and it shall be lawful for any one or more of her Majesty's justices of the peace, upon complaint made to him or them against any person or persons for any the said offences, to send forth his or their warrant or warrants to bring the person or persons so complained of before him or them; and if the person or persons so complained of, shall be convict of any of the said offences before such justice or justices, by the oath or oaths of one or more witness or witnesses, then and in such case the party so convict, shall immediately after such conviction, pay such penalties and forfeitures as are hereby before imposed for the said offences respectively, to such person and persons as the same penalties and forfeitures are hereby appointed to be paid; and in default thereof shall be committed by such justice or justices to the house of correction, there to be kept to hard labour for the space of one month, unless the said penalties and forfeitures shall be in the mean time paid.

No heath, ling, or brakes to be burnt in forest of Sherwood, without licence of owner, on penalty.

None to buy fern ashes on penalty.

Justices to issue their warrants for offenders.

CAP. XV.

EXP. An act for the better recruiting of her Majesty's land forces and the marines, for the year one thousand seven hundred and seven.

CAP. XVI.

EXP. An act for continuing an act made in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.*

CAP.

CAP. XVII.

An act to repeal all the laws prohibiting the importation of foreign lace made of thread.

WHEREAS *it is by experience found, That an act passed in the parliament holden at* Westminster, *in the thirteenth and fourteenth years of the reign of his late majesty King* Charles *the Second, intituled,* An act prohibiting the importation of foreign bone lace, cut work, embroidery, fringe, band strings, buttons, and needle work, *as also divers other acts heretofore made, prohibiting or restraining the importation of foreign lace, or for rendring the laws more effectual for preventing the importation of foreign lace, have obstructed the exportation and vending or selling of the woollen manufactures of* England *in the* Spanish Low Countries, *and other places abroad:* now for the remedy thereof, be it enacted, and it is hereby enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the aforesaid act of the thirteenth and fourteenth years of the reign of King *Charles* the Second, and also all and every other act and acts of parliament whatsoever which prohibit or restrain the importation, vending, or selling of foreign lace, be henceforth repealed so far forth as the said acts relate to foreign lace made of thread in the said *Spanish Low Countries*, or in any other place not within the dominions of the *French* King; and that the afore-mentioned acts, and every clause, matter, and thing in them contained, so far as they relate to such foreign lace made of thread (except as is before excepted) be and are hereby repealed and made void. 13 & 14 Car. 2. c. 13.

All acts which prohibit the importation of foreign lace, repeal'd.

II. Provided nevertheless, That nothing in this act contained shall any ways extend, or be construed to extend to permit or allow of the importation of lace made in any the dominions of the *French* King, or in any of the lands, towns, or countries in the possession of the duke of *Anjou*, so long as they shall remain or continue in the possession of the said *French* King or duke respectively.

Not to extend to lace made in French King's, or duke of Anjou's dominions.

CAP. XVIII.

An act for inrollments of bargains and sales within the West Riding of the county of York, *in the register office there lately provided, and for making the said register more effectual.*

WHEREAS *by an act of parliament made in the twenty seventh year of the reign of King* Henry *the Eighth, intituled,* For inrollments of bargains and sales, *it is enacted, That no manors, lands, tenements, or other hereditaments shall pass, alter, or change from one to another, whereby any estate of inheritance or freehold shall be made, or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the said bargain and sale be made by writing indented, sealed,* and

Farther provisions relating hereto. 6 Annæ, c. 35. s. 34. 27 H. 8. c. 16.

and inrolled in one of the King's courts of record at Weſtminſter, *or elſe within the ſame county or counties where the ſame manors, lands, or tenements ſo bargained and ſold lie or be, before the* Cuſtos Rotulorum, *and two juſtices of the peace, and the clerk of the peace of the ſame county or counties, or two of them at the leaſt, whereof the clerk of the peace to be one; which act hath been found by experience to be of little or no uſe within the Weſt riding of the county of* York, *as to the inrollments of bargains and ſales within the ſaid Weſt riding, for that the clerk of the peace thereof for the time being, who hath the keeping of the ſaid inrollments within the ſaid Weſt riding, is not by the ſaid act enjoined to give any ſecurity for the ſafe keeping, nor under any penalty for the negligent keeping of the ſaid inrollments, nor is there by the ſaid act any certain place appointed for keeping thereof: and whereas by an act of parliament made in the ſecond year of her preſent Majeſty's reign, intituled,* An act for the publick regiſtring of all deeds, conveyances, and wills, that ſhall be made of any honors, manors, lands, tenements, or hereditaments within the Weſt riding of the county of *York*, after the nine and twentieth day of *September*, one thouſand ſeven hundred and four; *a publick office hath been erected and eſtabliſhed at* Wakefield *within the ſaid Weſt riding, at the publick charge thereof, for regiſtring and ſafe keeping of memorials of all deeds, conveyances, and wills within the ſaid riding, and a publick regiſter hath been choſen, who hath, according to the direction of the ſame act, given ſufficient ſecurity for the due execution of the ſaid office:* for the rendring therefore the aforeſaid act, made in the twenty ſeventh year of the reign of King *Henry* the Eighth, more effectual and beneficial to the inhabitants of the ſaid Weſt riding, as to all inrollments of bargains and ſales within the ſaid Weſt riding; may it pleaſe your moſt excellent Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the four and twentieth day of *June*, in the year of our Lord one thouſand ſeven hundred and ſeven, all bargains and ſales of any manors, lands, tenements, and hereditaments, ſituate, lying, and being within the ſaid Weſt riding, which ſhall be inrolled before the ſaid regiſter, or his deputy for the time being, in the ſaid publick office at *Wakefield*, ſhall be as good, effectual, and available, to all intents and purpoſes whatſoever, as if the ſame had been inrolled in one of the Queen's courts of record at *Weſtminſter*, or before the *Cuſtos Rotulorum*, and two juſtices of the peace, and the clerk of the peace of the ſaid Weſt riding, or two of them, according to the aforeſaid act made in the twenty ſeventh year of the reign of King *Henry* the Eighth; and the ſaid regiſter, or his deputy, for the time being (together with one or more juſtice or juſtices of the peace of the ſaid riding) ſhall have power to take and enter the acknowledgement of the bargainer, if but one, or of one of the bargainers, if more, in ſuch bargains and ſales; and ſhall well and ſufficiently inroll, by ingroſſing

2 & 3 Annæ, c. 4.

Regiſter office at Wakefield.

From 24 June, 1707, all bargains and ſales of lands, &c. in Weſt Riding of Yorkſhire, inroll'd in regiſter's office at Wakefield, to be good in law, as if inroll'd at Weſtminſter.

groſſing in parchment rolls or parchment books, all ſuch bargains and ſales as ſhall for that purpoſe be acknowledged before him, as aforeſaid; and ſhall endorſe a certificate on ſuch bargains and ſales, of the times of inrolling thereof, and ſign the ſame; and the rolls or books thereof ſhall ſafely keep in the ſaid publick office, there to remain upon record amongſt the memorials of deeds there regiſtred. Inrollments to be in parchment,

II. And be it further enacted, That all deeds of bargain and ſale ſo inrolled in the ſaid publick or regiſter office, as aforeſaid, which ſhall appear to be ſo inrolled by an indorſement or certificate on the ſaid deeds of bargain and ſale ſigned by the ſaid regiſter, or his deputy, and that all copies of the inrollments thereof remaining on record in the ſaid regiſter office, ſhall be allowed in all courts where ſuch bargains and ſales, or copies ſhall be produced, to be as good and ſufficient evidence as any bargains and ſales inrolled in any of the courts at *Weſtminſter*, and the copies of the inrollments thereof. and allowed in all courts.

III. And be it further enacted, That every ſuch inrollment of every ſuch deed in the ſaid regiſter office, as aforeſaid, ſhall be deemed and adjudged to be the entring of a memorial thereof, purſuant to the ſaid act made in the ſecond year of her preſent Majeſty's reign, and ſhall have the ſame force and effect upon the eſtate therein mentioned, in relation to all ſubſequent deeds, conveyances, and wills, and to all other intents and purpoſes, as if a memorial of ſuch inrolled deed had been entred in the ſaid regiſter office, purſuant to the ſaid act. Such inrollment deemed entring a memorial thereof.

IV. And be it further enacted by the authority aforeſaid, That no judgment, ſtatute, or recognizance (other than ſuch as ſhall be entred into in the name, and upon the proper account of her Majeſty, her heirs, and ſucceſſors) which ſhall be obtained, or entred into, after the ſaid four and twentieth day of *June*, in the ſaid year of our Lord one thouſand ſeven hundred and ſeven, ſhall affect or bind any manors, lands, tenements, or hereditaments, ſituate, lying, and being in the ſaid weſt riding, but only from the time that a memorial of ſuch judgment, ſtatute, or recognizance ſhall be entred at the ſaid regiſter office, expreſſing and containing, in caſe of ſuch judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the ſums thereby recovered, and the time of the ſigning thereof; and in caſe of ſtatutes and recognizances, expreſſing and containing the date of ſuch ſtatute or recognizance, the names and additions of the cognizors, and cognizees therein, and for what ſums, and before whom the ſame were acknowledged; and that in order to the making an entry of ſuch memorials of judgments, ſtatutes, and recognizances, as aforeſaid, the party and parties deſiring the ſame, ſhall produce to, and leave with the ſaid regiſter, or his deputy, to be filed in the ſaid publick or regiſter office, a memorial of ſuch judgment, ſtatute, or recognizance, ſigned by the proper officer, who ſhall ſign ſuch judgment, or his ſucceſſor in the ſame office, or by the proper officer in whoſe office ſuch ſtatute or recognizance ſhall be inroll- No judgment, &c. to affect any manors, &c. in weſt riding, but from time that a memorial thereof be entred in regiſter's office. Manner of making entry.

ed, together with an affidavit ſworn before one of the judges at *Weſtminſter*, or a maſter in chancery, that ſuch memorial was duly ſigned by the officer whoſe name ſhall appear to be thereunto ſet; which memorial ſuch reſpective officer is hereby required to give ſuch plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or adminiſtrators, or attorney, or any of them, he, ſhe, or they paying for the ſame the ſum of one ſhilling, and no more.

Regiſter to enter ſuch memorials.

V. And be it further enacted, That the ſaid regiſter, or his deputy, ſhall make an entry, and likewiſe, if required, ſhall give a certificate in writing under his hand, teſtified by two credible witneſſes, of every ſuch memorial of any judgment, ſtatute, or recognizance brought to him to be ſo regiſtred, as aforeſaid, and therein mention the certain day on which ſuch memorial is ſo regiſtred or entred, expreſſing alſo in what book, page, and number the ſame is entred.

Condition of regiſter's recognizance.

VI. And be it further enacted by the authority aforeſaid, That the recognizance entred into by the preſent regiſter, and hereafter to be entred into by the regiſter for the time being, at the time of his being ſworn into the ſaid office of regiſter, conditioned for the true and faithful performance of his duty in the execution of his ſaid office, ſhall be deemed, adjudged, and taken to ſtand and be to all intents and purpoſes a ſecurity, as well for the due inrollment, and ſafe keeping when inrolled, of the ſaid inrollments of all bargains and ſales that ſhall be inrolled before the ſaid regiſter, or his deputy, for the time being, by virtue of this preſent act, and for all other duties appointed by him to be done by this act, as for the true and faithful performance of his duty in the execution of his ſaid office of regiſter; and that the ſaid regiſter and his deputy for the time being, ſhall be liable to the like breaches and forfeitures of the ſaid recognizance, for and in reſpect of any neglect or breach of his duty required of him by this preſent act, as for any neglect or breach of his duty in the execution of his ſaid office of regiſter.

The ſame fees as by 2 Annæ, c. 4.

VII. And be it further enacted, That the ſaid regiſter for the time being, ſhall be allowed for inrolling every ſuch bargain and ſale, and memorial, as aforeſaid, and for certificates, copies and ſearches reſpectively, the like reſpective fees that are, by the aforeſaid act made in the ſecond year of her preſent Majeſty's reign, appointed for the entring memorials of deeds, conveyances, and wills, and for certificates, copies, and ſearches reſpectively, and no more.

Penalty on forging or counterfeiting entry.

VIII. And be it further enacted, That if any perſon or perſons ſhall at any time forge or counterfeit any entry of the acknowledgement of any bargainer in any ſuch bargain and ſale, as aforeſaid, or any ſuch memorial, certificate, or indorſement as are herein mentioned or directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur, and be liable to ſuch pains and penalties as in and by an act of parliament made in the fifth year of Queen *Elizabeth*, intituled, *An act againſt forgers of falſe deeds and writings*, are impoſed upon perſons for forging

5 Eliz. c. 14.

forging or publiſhing of falſe deeds, charters, or writings ſealed, court rolls or wills, whereby the freehold or inheritance of any perſon or perſons of, in or to any lands, tenements, or hereditaments, ſhall or may be moleſted, troubled, or charged: and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſter, or his deputy, or before any judge or maſter in chancery, in any of the caſes herein mentioned, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur, and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record at *Weſtminſter*.

And on perſon forſwearing himſelf.

IX. And be it further enacted, That all certificates required by this act, or by the ſaid act made in the ſecond year of her preſent Majeſty's reign to be given by the ſaid regiſter, or his deputy, in caſe of ſearches in the ſaid publick or regiſter office, ſhall be ſigned by the ſaid regiſter, or his deputy, in the preſence of two credible perſons, who ſhall ſet their names thereto as witneſſes to the ſigning thereof.

Certificates to be ſigned by regiſter.

X. And be it further enacted by the authority aforeſaid, That in caſe of mortgages that ſhall be inrolled in the ſaid regiſter office, purſuant to this act; or whereof memorials have been, or ſhall be entred, purſuant to the ſaid act made in the ſecond year of her preſent Majeſty's reign; and alſo in caſe of judgments, ſtatutes, and recognizances, whereof memorials ſhall be entred in the ſaid regiſter office, purſuant to this act; if at any time afterwards, a certificate ſhall be brought to the ſaid regiſter, or his deputy, ſigned by the reſpective mortgagors and mortgagees in ſuch mortgage, plaintiffs, and defendants in ſuch judgment, cognizor, and cognizees in ſuch ſtatute or recognizance reſpectively, their reſpective executors, adminiſtrators, or aſſigns, and atteſted by two witneſſes, whereby it ſhall appear, that all monies due upon ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, have been paid or ſatisfied in diſcharge thereof; which witneſſes ſhall upon their oath before the ſaid regiſter, or his deputy, (who are hereby reſpectively impowered to adminiſter ſuch oath) prove ſuch monies to be ſatisfied or paid accordingly, and that they ſaw ſuch certificate ſigned by the ſaid mortgagors and mortgagees, plaintiffs, and defendants, cognizors, and cognizees reſpectively, their reſpective executors, adminiſtrators, or aſſigns, that then, and in every ſuch caſe the ſaid regiſter, or his deputy, ſhall make an entry in the margents of the ſaid regiſter books, againſt the inrollment of ſuch mortgage or regiſtry of the memorial thereof, and againſt the regiſtry of ſuch judgment, ſtatute, or recognizance reſpectively, That ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, was ſatisfied and diſcharged, according to ſuch certificate, to which the ſame entry ſhall refer; and ſhall after file ſuch certificate, to remain upon record in the ſaid regiſter office.

On certificate that money due on mortgage, &c. is paid, regiſter to make an entry thereof, &c. 2 & 3 Annæ, c. 4.

XI. Provided nevertheleſs, and be it enacted, That if any judgment, ſtatute, or recognizance, be regiſtred in the ſaid regiſter office, within thirty days after the acknowledgement or ſigning thereof, all the lands that the defendant or cognizor had at

Proviſo in caſe of judgment entred in 30 days after ſigned.

at the time of ſuch acknowledgment or ſigning, ſhall be bound thereby.

Act to be a publick act.

XII. And be it further enacted, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act, and all judges, juſtices, and other perſons therein concerned, are hereby required, as ſuch, to take notice thereof, without ſpecial pleading the ſame.

CAP. XIX.

An act for continuing the duties on low wines and ſpirits of the firſt extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on ſtampt vellum, parchment, and paper, and the late duties on ſweets, and the one third ſubſidy of tonnage and poundage, and for ſettling and eſtabliſhing a fund thereby, and by the application of certain overplus monies, and otherwiſe, for payment of annuities to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſeven, and other uſes therein expreſſed.

Moſt gracious Sovereign,

For the application of 400000l. per ann. out of the ſurplus ariſing from this act, ſee 6 Annæ, c. 5. ſ. 1, 2. 1120000l. and 35000l. to be raiſed.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, conſidering the great charges neceſſary for carrying on the war, and how far your Majeſty's ſubjects are at preſent burthened with taxes already laid for that purpoſe; and being therefore willing, by ſuch eaſy and effectual ways and means as in this act are expreſſed and intended, to raiſe a ſum of money not exceeding one million and one hundred and twenty thouſand pounds, part of the money neceſſary to be provided in this ſeſſion of parliament for your Majeſty's ſupply, and a further ſum not exceeding thirty five thouſand pounds, to be applied in ſuch manner as is herein after mentioned, towards making good the payment of the annuities to be purchaſed upon this act, have for that end and purpoſe cheerfully and unanimouſly given and granted, and do by this act give and grant unto your Majeſty the rates and duties upon low wines, and ſpirits of the firſt extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the rates and duties upon vellum, parchment, and paper, and the duties upon ſweets, and the additional ſubſidies of tonnage and poundage, and other duties hereafter in this act expreſſed or referred unto, for and during ſuch term and terms of years reſpectively as are in this act mentioned in that behalf; and do moſt humbly beſeech your Majeſty to accept thereof, and that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every ſuch or the like duties for and upon all low wines, or ſpirits of the

Duties on low wines, hawkers, vellum, &c. granted.

Low wines, 5 & 4 Annæ, c. 4.

firſt

first extraction, as by the act of parliament made and passed in the third year of her Majesty's reign, intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoes*, China *wares and drugs*, were continued or granted until the four and twentieth day of *June*, one thousand seven hundred and ten, shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all low wines, and spirits of the first extraction, to be made or drawn by any distiller, or other persons making or drawing spirits or strong waters for sale or exportation, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that all and every such and the like several duties, impositions, and sums of money, to be paid by every hawker, pedlar, petty chapman, and such other persons as are described in one act of the ninth year of the reign of his late majesty King *William* the Third, of glorious memory, for licensing hawkers and pedlars, and all the powers for granting licences, and other powers, and all clauses, directions, allowances, penalties, forfeitures, articles, matters, and things therein contained, relating to the said duties payable by hawkers, pedlars, petty chapmen, and other persons described in the said act, which by the said act of the third year of her Majesty's reign hath continuance until the said four and twentieth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be practised, observed, and put in execution, by virtue of this act, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the like term of ninety six years from thence next and immediately ensuing: the said several duties, impositions, and sums of money, for and upon all low wines, spirits of the first extraction, and upon all hawkers, pedlars, petty chapmen, and all other persons described as aforesaid, to be paid during the said respective terms of ninety six years, and to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, to the uses and purposes in this act expressed, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and with such power of mitigation, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects, as the like duties, impositions, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are thereby, or by any other act of parliament whereunto the said act hath reference, or by any other law now in force, prescribed, enacted, or appointed to be ascertained, secured,

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8.

1 Geo. 2. c. 16.

further continued for 96 years;

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8.

Hawkers and pedlars.

9 & 10 W. 3. c. 27.

3 & 4 Annæ, c. 4.

further continued;

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8.

In what manner duties shall be levied.

3 & 4 Ann. c. 4.

raiſed, levied, recovered, anſwered, paid, and accounted for during the continuance thereof reſpectively.

II. And it is hereby enacted by the authority aforeſaid, That all ſuch of the powers, directions, penalties, and forfeitures, clauſes, matters, and things provided, ſettled, or eſtabliſhed by the ſaid acts, or any of them, or by any other act now in force, whereunto the ſame, or any of them have or hath relation, for the better raiſing, levying, recovering, anſwering, or paying the ſaid reſpective duties upon low wines and ſpirits of the firſt extraction, and upon hawkers, pedlars, petty chapmen, and other perſons, deſcribed as aforeſaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the ſaid ſeveral and reſpective duties upon exportations, ſhall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and ſums of money, which ſhall become due or payable to her Majeſty, her heirs or ſucceſſors, upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

Former powers revived.

III. And be it further enacted by the authority aforeſaid, That ſuch of the rates and duties upon vellum, parchment, and paper, as were granted to their ſaid late majeſties King *William* and Queen *Mary*, by an act made in the parliament holden at *Weſtminſter*, in the fifth and ſixth years of their reigns, intituled, *An act for granting to their Majeſties, ſeveral duties upon vellum, parchment, and paper for four years, towards carrying on the war againſt* France, and which by an act of parliament made in the eighth year of the reign of his ſaid late majeſty King *William*, were continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix, and which by an act of the firſt year of her now Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, were continued from the laſt day of *July*, one thouſand ſeven hundred and ſix, to the firſt day of *Auguſt*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, ſhall by virtue of this act be further continued, and be due and payable to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, for the term of ninety ſix years from thence next and immediately enſuing, for the uſes and purpoſes in this act expreſſed: and that the ſaid act for granting the ſaid duties upon vellum, parchment, and paper, and all powers, proviſions, penalties, and forfeitures, articles, and clauſes therein, or in any other act or acts of parliament now in force, concerning the ſaid duties upon vellum, parchment, and paper, ſhall continue and be in full force and effect, and ſhall be applied, practiſed, and put in execution, for the raiſing, levying, collecting, anſwering, and paying, the ſaid duties upon vellum, parchment, and paper, hereby

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. ſtat. 1. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. ſtat. 2. c. 12. ſ. 8.

cont

continued, during the ſaid term of ninety ſix years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That in all caſes where any further or other proviſion or alteration is made by any other act or acts of parliament now in being, in relation to the ſaid duties upon low wines and ſpirits of the firſt extraction, and the ſaid duties payable by hawkers, pedlars, petty chapmen, and others, and the ſaid duties upon vellum, parchment, and paper, or any of them, ſuch other proviſions, or alterations ſhall be obſerved and complied with, during the continuance of the reſpective terms hereby granted in the ſame duties reſpectively; any thing herein contained to the contrary notwithſtanding. Alterations to be obſerved.

V. And be it enacted by the authority aforeſaid, That there ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors, (for the purpoſes in this act expreſſed) for every barrel of ſweets made, which ſhall be for ſale, from and after the four and twentieth day of *March*, one thouſand ſeven hundred and ſix, within or during the ſpace of ninety nine years, from thence next and immediately enſuing, the ſum of thirty and ſix ſhillings, the ſame duty to be paid by the maker and makers of the ſaid ſweets, and ſo in proportion for any greater or leſſer quantity. Sweets to pay 36s. per barrel, for 99 years. *Made perpetual by* 1 Geo. 1. ſtat. 2. c. 12. ſ. 8. *Reduced to* 12s. *by* 10 Geo. 2. c. 17.

VI. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*, or by any other law now in force relating to the duties of exciſe upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majeſty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon ſweets, and for leſſening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more eaſy raiſing the duties upon leather, and for charging cynders, and for permitting the importation of pearl aſhes, and for preventing abuſes in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on ſweets, granted by the laſt-mentioned act, are provided, ſettled, or eſtabliſhed, for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, or any of them, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution, for the raiſing, levying, collecting, recovering, and paying the duties on ſweets hereby granted, during the continuance of the ſame, as fully and effectually to all intents and purpoſes, as if all and every the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, mat- 12 & 13 Car. 2. c. 24. 10 & 11 W. 3. c. 21. Former powers in force for collecting duties on ſweets.

raiſed, levied, recovered, anſwered, paid, and accounted for during the continuance thereof reſpectively.

II. And it is hereby enacted by the authority aforeſaid, That all ſuch of the powers, directions, penalties, and forfeitures, clauſes, matters, and things provided, ſettled, or eſtabliſhed by the ſaid acts, or any of them, or by any other act now in force, whereunto the ſame, or any of them have or hath relation, for the better raiſing, levying, recovering, anſwering, or paying the ſaid reſpective duties upon low wines and ſpirits of the firſt extraction, and upon hawkers, pedlars, petty chapmen, and other perſons, deſcribed as aforeſaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the ſaid ſeveral and reſpective duties upon exportations, ſhall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and ſums of money, which ſhall become due or payable to her Majeſty, her heirs or ſucceſſors, upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

Former powers revived,

III. And be it further enacted by the authority aforeſaid, That ſuch of the rates and duties upon vellum, parchment, and paper, as were granted to their ſaid late majeſties King *William* and Queen *Mary*, by an act made in the parliament holden at *Weſtminſter*, in the fifth and ſixth years of their reigns, intituled, *An act for granting to their Majeſties, ſeveral duties upon vellum, parchment, and paper for four years, towards carrying on the war againſt* France, and which by an act of parliament made in the eighth year of the reign of his ſaid late majeſty King *William*, were continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix, and which by an act of the firſt year of her now Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, were continued from the laſt day of *July*, one thouſand ſeven hundred and ſix, to the firſt day of *Auguſt*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, ſhall by virtue of this act be further continued, and be due and payable to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, for the term of ninety ſix years from thence next and immediately enſuing, for the uſes and purpoſes in this act expreſſed: and that the ſaid act for granting the ſaid duties upon vellum, parchment, and paper, and all powers, proviſions, penalties, and forfeitures, articles, and clauſes therein, or in any other act or acts of parliament now in force, concerning the ſaid duties upon vellum, parchment, and paper, ſhall continue and be in full force and effect, and ſhall be applied, practiſed, and put in execution, for the raiſing, levying, collecting, anſwering, and paying, the ſaid duties upon vellum, parchment, and paper, hereby

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. ſtat. 1. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. ſtat. 2. c. 12. ſ. 8.

con-

continued, during the said term of ninety six years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That in all cases where any further or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, and the said duties upon vellum, parchment, and paper, or any of them, such other provisions, or alterations shall be observed and complied with, during the continuance of the respective terms hereby granted in the same duties respectively; any thing herein contained to the contrary notwithstanding. Alterations to be observed.

V. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid to her Majesty, her heirs and successors, (for the purposes in this act expressed) for every barrel of sweets made, which shall be for sale, from and after the four and twentieth day of *March*, one thousand seven hundred and six, within or during the space of ninety nine years, from thence next and immediately ensuing, the sum of thirty and six shillings, the same duty to be paid by the maker and makers of the said sweets, and so in proportion for any greater or lesser quantity. Sweets to pay 36s. per barrel, for 99 years. *Made perpetual by* 1 Geo. 1. stat. 2. c. 12. s. 8. *Reduced to* 12s. *by* 10 Geo. 2. c. 17.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the duties of excise upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majesty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on sweets, granted by the last-mentioned act, are provided, settled, or established, for raising, levying, collecting, recovering, adjudging, or ascertaining the duties thereby granted, or any of them, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties on sweets hereby granted, during the continuance of the same, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, mat- 12 & 13 Car. 2. c. 24. 10 & 11 W. 3. c. 21. Former powers in force for collecting duties on sweets.

ed, together with an affidavit ſworn before one of the judges at *Weſtminſter*, or a maſter in chancery, that ſuch memorial was duly ſigned by the officer whoſe name ſhall appear to be thereunto ſet; which memorial ſuch reſpective officer is hereby required to give ſuch plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or adminiſtrators, or attorney, or any of them, he, ſhe, or they paying for the ſame the ſum of one ſhilling, and no more.

Regiſter to enter ſuch memorials.

V. And be it further enacted, That the ſaid regiſter, or his deputy, ſhall make an entry, and likewiſe, if required, ſhall give a certificate in writing under his hand, teſtified by two credible witneſſes, of every ſuch memorial of any judgment, ſtatute, or recognizance brought to him to be ſo regiſtred, as aforeſaid, and therein mention the certain day on which ſuch memorial is ſo regiſtred or entred, expreſſing alſo in what book, page, and number the ſame is entred.

Condition of regiſter's recognizance.

VI. And be it further enacted by the authority aforeſaid, That the recognizance entred into by the preſent regiſter, and hereafter to be entred into by the regiſter for the time being, at the time of his being ſworn into the ſaid office of regiſter, conditioned for the true and faithful performance of his duty in the execution of his ſaid office, ſhall be deemed, adjudged, and taken to ſtand and be to all intents and purpoſes a ſecurity, as well for the due inrollment, and ſafe keeping when inrolled, of the ſaid inrollments of all bargains and ſales that ſhall be inrolled before the ſaid regiſter, or his deputy, for the time being, by virtue of this preſent act, and for all other duties appointed by him to be done by this act, as for the true and faithful performance of his duty in the execution of his ſaid office of regiſter; and that the ſaid regiſter and his deputy for the time being, ſhall be liable to the like breaches and forfeitures of the ſaid recognizance, for and in reſpect of any neglect or breach of his duty required of him by this preſent act, as for any neglect or breach of his duty in the execution of his ſaid office of regiſter.

The ſame fees as by 2 Annæ, c. 4.

VII. And be it further enacted, That the ſaid regiſter for the time being, ſhall be allowed for inrolling every ſuch bargain and ſale, and memorial, as aforeſaid, and for certificates, copies and ſearches reſpectively, the like reſpective fees that are, by the aforeſaid act made in the ſecond year of her preſent *Majeſty*'s reign, appointed for the entring memorials of deeds, conveyances, and wills, and for certificates, copies, and ſearches reſpectively, and no more.

Penalty on forging or counterfeiting entry.

VIII. And be it further enacted, That if any perſon or perſons ſhall at any time forge or counterfeit any entry of the acknowledgement of any bargainer in any ſuch bargain and ſale, as aforeſaid, or any ſuch memorial, certificate, or indorſement as are herein mentioned or directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur, and be liable to ſuch pains and penalties as in and by an act of parliament made in the fifth year of Queen *Elizabeth*, intituled, *An act againſt forgers of falſe deeds and writings*, are impoſed upon perſons for forging

5 Eliz. c. 14.

forging or publiſhing of falſe deeds, charters, or writings ſealed, court rolls or wills, whereby the freehold or inheritance of any perſon or perſons of, in or to any lands, tenements, or hereditaments, ſhall or may be moleſted, troubled, or charged: and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſter, or his deputy, or before any judge or maſter in chancery, in any of the caſes herein mentioned, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur, and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record at *Weſtminſter*.

And on perſon forſwearing himſelf.

IX. And be it further enacted, That all certificates required by this act, or by the ſaid act made in the ſecond year of her preſent Majeſty's reign to be given by the ſaid regiſter, or his deputy, in caſe of ſearches in the ſaid publick or regiſter office, ſhall be ſigned by the ſaid regiſter, or his deputy, in the preſence of two credible perſons, who ſhall ſet their names thereto as witneſſes to the ſigning thereof.

Certificates to be ſigned by regiſter.

X. And be it further enacted by the authority aforeſaid, That in caſe of mortgages that ſhall be inrolled in the ſaid regiſter office, purſuant to this act; or whereof memorials have been, or ſhall be entred, purſuant to the ſaid act made in the ſecond year of her preſent Majeſty's reign; and alſo in caſe of judgments, ſtatutes, and recognizances, whereof memorials ſhall be entred in the ſaid regiſter office, purſuant to this act; if at any time afterwards, a certificate ſhall be brought to the ſaid regiſter, or his deputy, ſigned by the reſpective mortgagors and mortgagees in ſuch mortgage, plaintiffs, and defendants in ſuch judgment, cognizor, and cognizees in ſuch ſtatute or recognizance reſpectively, their reſpective executors, adminiſtrators, or aſſigns, and atteſted by two witneſſes, whereby it ſhall appear, that all monies due upon ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, have been paid or ſatisfied in diſcharge thereof; which witneſſes ſhall upon their oath before the ſaid regiſter, or his deputy, (who are hereby reſpectively impowered to adminiſter ſuch oath) prove ſuch monies to be ſatisfied or paid accordingly, and that they ſaw ſuch certificate ſigned by the ſaid mortgagors and mortgagees, plaintiffs, and defendants, cognizors, and cognizees reſpectively, their reſpective executors, adminiſtrators, or aſſigns, that then, and in every ſuch caſe the ſaid regiſter, or his deputy, ſhall make an entry in the margents of the ſaid regiſter books, againſt the inrollment of ſuch mortgage or regiſtry of the memorial thereof, and againſt the regiſtry of ſuch judgment, ſtatute, or recognizance reſpectively, That ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, was ſatisfied and diſcharged, according to ſuch certificate, to which the ſame entry ſhall refer; and ſhall after file ſuch certificate, to remain upon record in the ſaid regiſter office.

On certificate that money due on mortgage, &c. is paid, regiſter to make an entry thereof, &c. 2 & 3 Annæ, c. 4.

XI. Provided nevertheleſs, and be it enacted, That if any judgment, ſtatute, or recognizance, be regiſtred in the ſaid regiſter office, within thirty days after the acknowledgement or ſigning thereof, all the lands that the defendant or cognizor had

Proviſo in caſe of judgment entred in 30 days after ſigned.

at the time of such acknowledgment or signing, shall be bound thereby.

Act to be a publick act.

XII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act, and all judges, justices, and other persons therein concerned, are hereby required, as such, to take notice thereof, without special pleading the same.

CAP. XIX.

An act for continuing the duties on low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stampt vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed.

Most gracious Sovereign,

For the application of 400000l. per ann. out of the surplus arising from this act, see 6 Annæ, c. 5. s. 1, 2. 1200000l. and 35000l. to be raised.

WE your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, considering the great charges necessary for carrying on the war, and how far your Majesty's subjects are at present burthened with taxes already laid for that purpose; and being therefore willing, by such easy and effectual ways and means as in this act are expressed and intended, to raise a sum of money not exceeding one million and one hundred and twenty thousand pounds, part of the money necessary to be provided in this session of parliament for your Majesty's supply, and a further sum not exceeding thirty five thousand pounds, to be applied in such manner as is herein after mentioned, towards making good the payment of the annuities to be purchased upon this act, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the rates and duties upon low wines, and spirits of the first extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the rates and duties upon vellum, parchment, and paper, and the duties upon sweets, and the additional subsidies of tonnage and poundage, and other duties hereafter in this act expressed or referred unto, for and during such term and terms of years respectively as are in this act mentioned in that behalf; and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every such or the like duties for and upon all low wines, or spirits of the first

Duties on low wines, hawkers, vellum, &c. granted.

Low wines, 5 & 4 Annæ, c. 4.

first extraction, as by the act of parliament made and passed in the third year of her Majesty's reign, intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoes*, China *wares and drugs*, were continued or granted until the four and twentieth day of *June*, one thousand seven hundred and ten, shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all low wines, and spirits of the first extraction, to be made or drawn by any distiller, or other persons making or drawing spirits or strong waters for sale or exportation, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that all and every such and the like several duties, impositions, and sums of money, to be paid by every hawker, pedlar, petty chapman, and such other persons as are described in one act of the ninth year of the reign of his late majesty King *William* the Third, of glorious memory, for licensing hawkers and pedlars, and all the powers for granting licences, and other powers, and all clauses, directions, allowances, penalties, forfeitures, articles, matters, and things therein contained, relating to the said duties payable by hawkers, pedlars, petty chapmen, and other persons described in the said act, which by the said act of the third year of her Majesty's reign hath continuance until the said four and twentieth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be practised, observed, and put in execution, by virtue of this act, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the like term of ninety six years from thence next and immediately ensuing: the said several duties, impositions, and sums of money, for and upon all low wines, spirits of the first extraction, and upon all hawkers, pedlars, petty chapmen, and all other persons described as aforesaid, to be paid during the said respective terms of ninety six years, and to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, to the uses and purposes in this act expressed, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and with such power of mitigation, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects, as the like duties, impositions, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are thereby, or by any other act of parliament whereunto the said act hath reference, or by any other law now in force, prescribed, enacted, or appointed to be ascertained, secured, raised,

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8. 1 Geo. 2. c. 16.

further continued for 96 years; *made perpetual by* 1 Geo. 1. stat. 2. c. 12. s. 8.

Hawkers and pedlars. 9 & 10 W. 3. c. 27.

3 & 4 Annæ, c. 4.

further continued; *made perpetual by* 1 Geo. 1. stat. 2. c. 12. s. 8.

In what manner duties shall be levied.

3 & 4 Ann. c. 4.

raiſed, levied, recovered, anſwered, paid, and accounted for during the continuance thereof reſpectively.

II. And it is hereby enacted by the authority aforeſaid, That all ſuch of the powers, directions, penalties, and forfeitures, clauſes, matters, and things provided, ſettled, or eſtabliſhed by the ſaid acts, or any of them, or by any other act now in force, whereunto the ſame, or any of them have or hath relation, for the better raiſing, levying, recovering, anſwering, or paying the ſaid reſpective duties upon low wines and ſpirits of the firſt extraction, and upon hawkers, pedlars, petty chapmen, and other perſons, deſcribed as aforeſaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the ſaid ſeveral and reſpective duties upon exportations, ſhall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and ſums of money, which ſhall become due or payable to her Majeſty, her heirs or ſucceſſors, upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

Former powers revived.

III. And be it further enacted by the authority aforeſaid, That ſuch of the rates and duties upon vellum, parchment, and paper, as were granted to their ſaid late majeſties King *William* and Queen *Mary*, by an act made in the parliament holden at *Weſtminſter*, in the fifth and ſixth years of their reigns, intituled, *An act for granting to their Majeſties, ſeveral duties upon vellum, parchment, and paper for four years, towards carrying on the war againſt* France, and which by an act of parliament made in the eighth year of the reign of his ſaid late majeſty King *William*, were continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix, and which by an act of the firſt year of her now Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, were continued from the laſt day of *July*, one thouſand ſeven hundred and ſix, to the firſt day of *Auguſt*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, ſhall by virtue of this act be further continued, and be due and payable to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, for the term of ninety ſix years from thence next and immediately enſuing, for the uſes and purpoſes in this act expreſſed: and that the ſaid act for granting the ſaid duties upon vellum, parchment, and paper, and all powers, proviſions, penalties, and forfeitures, articles, and clauſes therein, or in any other act or acts of parliament now in force, concerning the ſaid duties upon vellum, parchment, and paper, ſhall continue and be in full force and effect, and ſhall be applied, practiſed, and put in execution, for the raiſing, levying, collecting, anſwering, and paying, the ſaid duties upon vellum, parchment, and paper, hereby con-

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. ſtat. 1. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. ſtat. 2. c. 12. ſ. 8.

continued, during the said term of ninety six years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That in all cases where any further or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, and the said duties upon vellum, parchment, and paper, or any of them, such other provisions, or alterations shall be observed and complied with, during the continuance of the respective terms hereby granted in the same duties respectively; any thing herein contained to the contrary notwithstanding. Alterations to be observed.

V. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid to her Majesty, her heirs and successors, (for the purposes in this act expressed) for every barrel of sweets made, which shall be for sale, from and after the four and twentieth day of *March*, one thousand seven hundred and six, within or during the space of ninety nine years, from thence next and immediately ensuing, the sum of thirty and six shillings, the same duty to be paid by the maker and makers of the said sweets, and so in proportion for any greater or lesser quantity. Sweets to pay 36s. per barrel, for 99 years. *Made perpetual by* 1 Geo. 1. stat. 2. c. 12. s. 8. *Reduced to* 12s. *by* 10 Geo. 2. c. 17.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the duties of excise upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majesty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cinders, and for permitting the importation of pearl ashes, and for preventing abuses in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on sweets, granted by the last-mentioned act, are provided, settled, or established, for raising, levying, collecting, recovering, adjudging, or ascertaining the duties thereby granted, or any of them, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties on sweets hereby granted, during the continuance of the same, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, mat- 12 & 13 Car. 2. c. 24. 10 & 11 W. 3. c. 21. Former powers in force for collecting duties on sweets.

the quarterly payments, &c.

or more of the commiſſioners of the treaſury for the time being, ſhall, from time to time, during the continuance of the ſaid ſubſidies, rates, duties, and other funds ſettled by the ſaid act of the fourth year of her Majeſty's reign, as aforeſaid, and every or any of them, cauſe all the ſaid overplus monies of the ſame ſubſidies, rates, duties, and other funds contained in the act laſt-mentioned, to be juſtly and duly computed, at the feaſt of the annunciation of the bleſſed virgin *Mary*, in every year, or within ſix days after, the firſt computation thereof to be made at the feaſt of the annunciation of the bleſſed virgin *Mary*, one thouſand ſeven hundred and eight, or within ſix days after, and after paying, or reſerving ſufficient to pay ſo much as ſhall be incurred or grown due upon the ſaid annuities, by virtue of the ſaid act of the fourth year of her Majeſty's reign, at or before every ſuch feaſt of the annunciation of the bleſſed virgin *Mary* reſpectively, the ſame overplus monies (except the neceſſary charges of paying and accounting for the ſaid annuities, purchaſed on the ſaid act of the fourth year of her Majeſty's reign) or ſo much of the overplus laſt-mentioned, as ſhall be ſufficient for this purpoſe, ſhall be applied for and towards the making good, paying and ſatisfying the quarterly payments of all and every, or any the annuities to be purchaſed by virtue of this act, during the whole term of ninety nine years by this act intended to be granted of and in ſuch annuities reſpectively.

4 Ann. c. 6.

35000l. reſerved for quarterly payments, till Michaelmas, 1710.

X. And for the better ſecuring the quarterly payments which ſhall grow due on or before *Michaelmas*, one thouſand ſeven hundred and ten, upon the annuities to be purchaſed in purſuance of this act, be it enacted by the authority aforeſaid, That the ſaid ſum not exceeding thirty five thouſand pounds, part of the contribution monies to be raiſed by ſale of annuities upon this act, or ſo much thereof as ſhall be ſufficient in this behalf, ſhall and may be reſerved and applied for and towards the diſcharging the quarterly payments laſt-mentioned.

Sundry annuities purchaſed and charged, &c.

XI. *And whereas by and in purſuance of ſeveral former acts of parliament, ſundry other annuities payable at the receipt of Exchequer have been purchaſed, and are charged upon the ſeveral other branches of the publick revenues or funds herein after particularly expreſſed, which revenues or funds do alſo annually produce more than ſufficient to diſcharge the ſaid annuities charged thereupon reſpectively, and the neceſſary charges of paying and accounting for the ſame, and the overplus monies thereby ariſing do belong to her Majeſty for the publick uſe and ſervice, that is to ſay, The rates and duties of exciſe which were granted to their late majeſties King* William *and Queen* Mary, *by an act of the fourth year of their reign, for the term of ninety nine years therein mentioned, and are liable to the payment of ſeveral annuities, with benefit of ſurvivorſhip, and other annuities; the overplus of which rates and duties hath been, and is to be computed on the four and twentieth day of* June, *yearly: the rates and duties of exciſe which were granted to their ſaid late Majeſties, their heirs, and ſucceſſors for ever, by an act of the fifth year of their Majeſties reign; the overplus whereof hath been and is to be computed as followeth, that*

Overplus monies thereby ariſing, to be computed, &c. 4 & 5 W. & M. c. 3.

is

is to ſay, As to five ſeventh parts thereof (being appropriated to make good the fund of the governor and company of the bank of England) *the ſame have been and are to be computed on the firſt day of* June *yearly; and as to the other two ſeventh parts thereof, being for payment of ſeveral other annuities, the ſame have been and are to be computed on the five and twentieth day of* March *yearly: the rates and duties of exciſe which were granted to their ſaid late Majeſties by another act of the fifth year of their reign, for the term of ſixteen years, for payment of the lottery annuities therein mentioned; the overplus whereof, when the ſame ſhall ariſe, is to be computed on the five and twentieth day of* March *yearly: and the particular rates and duties upon ſalt, and the particular duties upon ſtampt vellum, parchment, and paper, which were granted to his ſaid late majeſty King* William, *his heirs and ſucceſſors, by ſeveral acts of the ninth year of his reign, and are charged with ſeveral annuities amounting to one hundred and ſixty thouſand pounds* per annum *to the companies or perſons entitled to the trade to the* Eaſt Indies; *the overplus of which ſeveral rates and duties laſt-mentioned hath been and is to be computed on the nine and twentieth day of* September *yearly:* now it is hereby further enacted by the authority aforeſaid, That the lord high treaſurer of *England*, or any three or more of the commiſſioners of the treaſury for the time being, ſhall from time to time cauſe all the ſaid overplus monies of the ſaid ſeveral rates, duties, and funds ſo charged with the ſaid annuities formerly purchaſed, as aforeſaid, to be juſtly and duly computed at ſuch reſpective days and times as are before-mentioned in that behalf; and after paying or reſerving ſufficient to pay all the payments then incurred thereupon reſpectively, the ſaid overplus monies laſt-mentioned, ſo to be computed at any day or time, between the four and twentieth day of *March*, one thouſand ſeven hundred and ſix, and the thirtieth day of *September*, one thouſand ſeven hundred and ten (except the neceſſary charges of paying and accounting for the ſaid annuities formerly purchaſed, as aforeſaid) or ſo much of the overplus monies laſt-mentioned, as ſhall be ſufficient for this purpoſe, ſhall be reſerved and applied for or towards the making good ſuch quarterly payments of the annuities to be purchaſed on this act, as ſhall incur or grow due at or before the feaſt of Saint *Michael* the archangel, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten.

5 & 6 W. & M. c. 7.

9 & 10 W. 3. c. 25.

9 & 10 W. 3. c. 44.

Lord treaſurer, &c. to apply the ſame, &c.

to make good the quarterly payments on this act.

XII. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in the office of the auditor of the receipt of her Majeſty's Exchequer one or more books, in which all the monies of the ſaid ſeveral rates and duties hereby appointed to be paid in weekly, as aforeſaid, and which ſhall be brought to the ſaid receipt for that purpoſe, and the ſaid ſum, not exceeding thirty five thouſand pounds, hereby directed to be reſerved out of the ſaid contribution-money, and alſo the ſaid overplus monies of the ſaid former annuity funds hereby directed to be computed and applied, as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid into the ſaid receipt on any other account whatſoever.

Auditors to keep books for entring all monies paid in.

Commissioners, &c. to be appointed,

XIII. And to the end all the monies by this act appropriated for payment of the annuities to be purchased on this act, may be duly and certainly raised and brought into the receipt of the Exchequer for that purpose; it is hereby further enacted, That from time to time, during the continuance of this act, there shall be continued or appointed commissioners, receivers general, comptrollers, collectors, and other proper officers, for raising the several rates and duties by this act intended for the payment of the annuities to be purchased thereupon, and for keeping the accounts of the same; and that the respective commissioners or chief managers thereof, shall from time to time, weekly, compute and ascertain the monies of each branch of the said rates and duties, which ought to be paid into the Exchequer on every *Wednesday*, or on the subsequent day, not being an holy day, as aforesaid; and that all commissioners, receivers general, comptrollers, collectors, and other officers, who are or shall be concerned in the managing, raising, levying, receiving, collecting, or paying the same, or in keeping the accounts thereof, shall perform their several and respective duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures, and disabilities, for any offence or neglect therein, or for detaining, diverting, or misapplying any part of the said monies, as are prescribed and to be inflicted by virtue of an act of parliament made and passed in the ninth year of the reign of his said late majesty King *William* the Third, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds* per centum per annum, *and for settling the trade to the* East Indies, for the like offence or neglect in relation to the duties upon salt, and other duties upon stampt vellum, parchment, and paper thereby granted, or for detaining, diverting, or misapplying any part of the monies which were granted by the act last-mentioned.

and compute weekly, and perform their duties,

on penalty.

9 & 10 W. 3. c. 44.

Monies arising to be a general fund.

XIV. And it is hereby enacted and declared, That all the monies arising, as aforesaid, of or for the said several and respective rates and duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, as aforesaid, and the duties upon sweets, and the said duties upon stampt vellum, parchment, and paper, hereby appointed to be paid weekly into the Exchequer, as aforesaid, and the said additional subsidy, and the said sum not exceeding thirty five thousand pounds hereby directed to be reserved out of the contribution-money, as aforesaid, and the said respective overplus monies of the said former annuity funds, hereby appointed to be computed and applied for such several and respective times, and in such manner as are before-mentioned, and every of them, or so much of the said several rates, subsidies, and duties, contribution-money, and overplus money, as shall be sufficient for answering the full and due payment of all the annuities to be purchased on this act, and all arrearages thereof from time to time incurred according to the true meaning of this act, are, and shall be the general fund for payment

payment of the ſame, and are and ſhall be liable thereunto, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the penalties, forfeitures, and diſabilities in this act expreſſed.

XV. And for the raiſing any ſum and ſums of money, not exceeding in the whole the ſum of eleven hundred and fifty five thouſand pounds, that is to ſay, The ſum not exceeding one million one hundred and twenty thouſand pounds thereof, for carrying on the preſent war and other her Majeſty's occaſions, and the ſaid ſum not exceeding thirty five thouſand pounds, reſidue thereof, to be applied for or towards the making good the quarterly payments to be incurred on the annuities to be purchaſed in purſuance of this act; it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, any ſum or ſums of money, not exceeding in the whole the ſum of one million one hundred fifty five thouſand pounds, for purchaſing any annuity or annuities, to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and ſeven, at the rate of ſixteen years purchaſe, which rate doth amount to the ſum of one hundred and ſixty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the ſame rate or conſideration-money is hereby appointed to be paid into the ſaid receipt, at or before the reſpective days and times herein after-mentioned (that is to ſay) one fourth part thereof on or before the tenth day of *May*, in the year of our Lord one thouſand ſeven hundred and ſeven; one other fourth part thereof on or before the tenth day of *July*, in the year of our Lord one thouſand ſeven hundred and ſeven; one other fourth part thereof on or before the tenth day of *September*, in the year of our Lord one thouſand ſeven hundred and ſeven; and the remaining fourth part thereof on or before the tenth day of *November*, in the year of our Lord one thouſand ſeven hundred and ſeven: all which annuities ſo to be purchaſed, ſhall not exceed in the whole, the ſum of ſeventy two thouſand one hundred eighty ſeven pounds and ten ſhillings *per annum*, and ſhall be paid and payable at the four moſt uſual feaſts or days of payment in the year; that is to ſay, the feaſts of the nativity of Saint *John* baptiſt, Saint *Michael* the archangel, the birth of our Lord Chriſt, and the annunciation of the bleſſed virgin *Mary*, by even and equal portions; the firſt payment thereof to be made at the feaſt of the nativity of Saint *John* baptiſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeven.

For purchaſe of annuities for 99 years, perſons may advance 1,155,000l. by 6 Geo. 1. c. 4. f. 1. *the South Sea company may purchaſe thoſe annuities.*

At 16 years purchaſe, from 25 March, 1707.

To be paid in 4 parts, 10 May, 10 July, 10 September, and 10 November, 1707.

Annuities not to exceed 72,187 l. 10 s. per annum, payable quarterly.

XVI. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer, ſeverally, there ſhall be provided and kept a book or books, in which

Contributors names, &c. to be entred.

which there ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums upon this act, and alſo the ſums ſo paid, and the times when the ſame are reſpectively paid; to which book it ſhall be lawful for the reſpective contributors, their executors, adminiſtrators, and aſſigns, from time to time, and at all ſeaſonable times, to have reſort, and to inſpect the ſame without fee or reward.

Annuities to be paid with preference to all other payments.

XVII. And be it further enacted by the authority aforeſaid, That all and every the annuities whatſoever which ſhall be purchaſed upon or in purſuance of this preſent act, ſhall be and are hereby charged upon, and ſhall be paid and payable from time to time, in the firſt place, and with preference to all other payments whatſoever, out of the monies ariſing from time to time, as aforeſaid, of or for the ſaid ſeveral and reſpective duties upon low wines and ſpirits of the firſt extraction, and the duties payable by hawkers, pedlars, petty chapmen and others, as aforeſaid, and the ſaid duties upon ſweets, and the ſaid duties upon ſtampt vellum, parchment, and paper, hereby appointed to be brought and paid weekly into the Exchequer, as aforeſaid, and out of the ſaid ſubſidies, and every of them, and alſo out of the ſaid ſum not exceeding thirty five thouſand pounds, hereby directed to be reſerved out of the ſaid contribution-money, as aforeſaid, and alſo out of the ſaid overplus monies of the ſaid former annuity funds hereby appointed to be computed and applied for ſuch ſeveral and reſpective times, and in the manner before-mentioned, and every of them; and ſo much of the ſaid ſeveral and reſpective rates, ſubſidies, and duties appointed by this act to be brought and paid into the Exchequer, and ſo much of the ſaid ſum of thirty five thouſand pounds, and of the ſaid ſeveral and reſpective overplus monies of the ſaid former annuity funds, as are and ſhall be ſufficient to ſatisfie and diſcharge all the annuities to be purchaſed upon this act, and all the arrearages thereof, at any time due or owing, are and ſhall be, by virtue of this act, appropriated and applied to and for ſatisfying and diſcharging of the ſame annuities, and ſuch arrearages thereof accordingly, and ſhall be iſſued, diſpoſed, and applied to that uſe, and to none other uſe, intent, or purpoſe whatſoever; any thing herein contained, or any other matter or thing whatſoever to the contrary notwithſtanding.

Surplus diſpoſable to publick uſes.

Farther proviſions relating hereto, 1 Geo. 1. ſtat. 2. c. 12. ſ. 7.

XVIII. Provided always, That if at the end of any year of the ſaid term of ninety nine years, for which the ſaid annuities are to be purchaſed, the firſt computation to be made at *Lady day*, one thouſand ſeven hundred and eight, or within ſix days after, the monies ariſing at the Exchequer within ſuch year, by the ſaid rates, duties, ſubſidies, overplus monies, and other monies hereby appropriated for payment of the ſaid annuities, purſuant to this act, ſhall exceed all the monies then due for or upon the ſame annuities, and all arrearages thereof, then or at any time or times before that time incurred, ſo that there ſhall be an exceſs or ſurplus remaining in the Exchequer, ſuch exceſs or ſurplus

ſurplus ſhall be diſpoſable from time to time for the publick uſe and ſervice, and not otherwiſe; any thing herein contained to the contrary notwithſtanding.

XIX. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, duly paying the conſideration or purchaſe-money, at the rate aforeſaid, at or before the reſpective days or times in this act limited in that behalf, for any ſuch annuity or annuities, as aforeſaid, or ſuch as he, ſhe, or they ſhall appoint, his, her, or their reſpective executors, adminiſtrators, ſucceſſors, and aſſigns, ſhall have, receive, and enjoy, and be entitled, by virtue of this act, to have, receive, and enjoy the reſpective annuity and annuities ſo to be purchaſed, out of the monies by this act appropriated or appointed for the payment thereof, during the ſaid whole term of ninety nine years, as is above-mentioned; and that all and every ſuch purchaſers, their executors, adminiſtrators, and aſſigns reſpectively, ſhall have good and ſure eſtates and intereſts in the ſeveral annuities, ſo by them to be purchaſed according to the tenor and true meaning of this act, and that all the ſaid annuities to be purchaſed upon this act, and every of them, during the term aforeſaid, ſhall be free from all taxes, charges, and impoſitions whatſoever.

Contributors paying, &c. to enjoy ſure eſtates in annuities purchaſed.

Tax-free;

XX. And be it further enacted by the authority aforeſaid, That every contributor upon this act, for any annuity or annuities, as aforeſaid, his, her, or their executors, adminiſtrators, or aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, at the rate aforeſaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, ſhall immediately have one or more tally or tallies levied, importing the receipt of ſo much conſideration-money as ſhall be ſo paid; and upon payment of all the purchaſe-money for any ſuch annuity or annuities, at the rate aforeſaid, every ſuch contributor, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns reſpectively, ſhall have an order for paying of the ſaid annuity and annuities, for and during the ſaid term of ninety nine years; which order ſhall be ſigned by the treaſurer, and under treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, and after the ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any treaſurer, or under treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office, or offices of them, or any of them, nor ſhall any lord high treaſurer of *England*, treaſurer of the Exchequer, or any commiſſioners of the treaſury now or for the time being, have power to revoke, countermand, or make void ſuch orders ſo ſigned, as aforeſaid, or any of them.

and have tallies and orders, &c. *Miſtakes in theſe orders rectified by* 8 Annæ, c. 7. ſ. 64.

XXI. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the

6 per cent. for prompt payment before 10 May, 1707.

ſums by them intended to be advanced upon this act, it is provided and enacted by the authority aforeſaid, That every ſuch contributor who ſhall advance and pay into the ſaid receipt of Exchequer all or any part of the purchaſe-money, payable for any ſuch annuity, or annuities, as aforeſaid, before the ſaid tenth day of *May*, in the year of our Lord one thouſand ſeven hundred and ſeven, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be allowed and paid out of the contribution-money ariſing by this act, intereſt after the rate of ſix pounds *per centum per annum*, for the prompt payment of the money ſo advanced, from the time of the actual advancing and paying the ſame, until the ſaid tenth day of *May*, one thouſand ſeven hundred and ſeven.

Annuities aſſignable, &c.

XXII. And be it further enacted, That it ſhall and may be lawful to and for any contributor or contributors, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, at any time or times during the continuance of his, her, or their term, eſtate, or intereſt of and in any annuity to be purchaſed upon this act, by any writing under his, her, or their hands and ſeals, or under the common ſeal of the corporation, or by his or her laſt will in writing, to aſſign or deviſe ſuch annuity, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*, and no ſuch aſſignment to be revokable, ſo as an entry or memorandum of ſuch aſſignment or will be made in books to be kept for that purpoſe in the ſaid office of the auditor of the receipt, within the ſpace of three months, after ſuch aſſignment or death of the deviſor; and that upon producing ſuch aſſignment or will, or probat thereof, in the ſaid office of receipt, to be entred as aforeſaid, the party ſo producing the ſame ſhall bring therewith an affidavit, taken before one or more of her Majeſty's juſtices of the peace, of the due execution of the ſaid aſſignment or will; which affidavit, ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum the proper officers in the ſaid receipt of Exchequer are hereby required to make accordingly, and to file the ſaid affidavits: and in default of ſuch aſſignment or deviſe by deed or will, the intereſt of ſuch contributor ſhall go to his or her executors or adminiſtrators.

Guardians to infants may advance 160l. &c.

XXIII. And it is hereby further enacted, That it ſhall and may be lawful for any guardian, or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe and benefit of ſuch infant, to advance and pay the ſum of one hundred and ſixty pounds of the money of ſuch infant, to purchaſe an annuity upon this act for the benefit of ſuch infant; and the ſaid guardian or truſtee, as to the ſaid ſum of one hundred and ſixty pounds ſo advanced, is hereby diſcharged.

Penalty on officers taking fees, or diverting monies, &c.

XXIV. And be it further enacted, for the better encouragement of perſons to advance the monies on this act, That all receipts and iſſues, and all other things directed by this act to be performed in the Exchequer, ſhall be done and performed by

the

the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the ſame; and in caſe any of the officers of the Exchequer ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the monies of the ſaid duties, or monies hereby appropriated, or any part thereof, which ſhould make good the payment of the ſaid annuities, or ſhall pay or iſſue out the ſame otherwiſe than according to the intent of this act, or ſhall not keep books and regiſters, and make entries, and do and perform all other things which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for the future incapable of any office or place of truſt, and ſhall anſwer and pay treble damages to every contributor or perſon who ſhall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of reſtraint, or more than one imparlance ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery ſhall have full coſts; one third part of which ſum to be recovered for damages, ſhall be to the uſe of her Majeſty, her heirs and ſucceſſors, and the other two third parts, with the coſts, ſhall be to the uſe of the proſecutor; and in caſe there ſhall be any colluſion, or faint proſecution, between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators, or aſſigns, to bring another action, wherein he or ſhe ſhall recover, as aforeſaid, to the like uſes, as aforeſaid.

No purchaſe unleſs one fourth part paid before 20 May, 1707.

XXV. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe or obtain, any annuity whatſoever upon this act, unleſs the whole or one fourth part at leaſt of the conſideration-money for the ſame, at ſuch rate, as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer, on or before the ſaid tenth day of *May*, one thouſand ſeven hundred and ſeven.

Contributors paying one fourth part, and not the remainder, ſuch payment forfeited.

XXVI. Provided alſo, That in caſe any ſuch contributor, as aforeſaid, who ſhall, on or before the ſaid tenth day of *May*, one thouſand ſeven hundred and ſeven, have advanced one fourth part of his or her purchaſe-money, or his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, do not advance and pay into the receipt of the Exchequer, one other fourth part of his or her conſideration-money ſo to be paid for ſuch reſpective annuity or annuities, as aforeſaid, on or before the ſaid tenth day of *July*, in the year of our Lord one thouſand ſeven hundred and ſeven, and one other fourth part thereof on or before the ſaid tenth day of *September*, one thouſand ſeven hundred and ſeven, and the remaining fourth part thereof on or before the ſaid tenth day of *November*, in the year of our Lord one thouſand ſeven hundred and ſeven, then and in every ſuch caſe reſpectively, no order ſhall be drawn or ſigned for ſuch reſpective annuity, for which the conſideration-money ſhall not be fully paid, as aforeſaid; but ſo much of the conſideration-money as

ſhall have been actually paid into the receipt of the Exchequer for ſuch reſpective annuity, ſhall be forfeited to her Majeſty, her heirs and ſucceſſors, and be applied together with other the monies to be raiſed by this act for ſuch publick ſervices, as aforeſaid; any thing in this act contained to the contrary notwithſtanding.

Lord treaſurer to reward officers, clerks, &c.

XXVII. Provided alſo, and it is hereby enacted, That it ſhall and may be lawful to and for the lord treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, out of any the monies of the ſaid weekly payments, hereby appointed to be paid into the Exchequer, as aforeſaid, or out of any the ſaid overplus monies of the former annuity funds, to reward the officers, clerks, and others to be employed in the payments of the ſaid annuities, or the accounts thereof, for their labour, pains, charges, and ſervice therein reſpectively, and to defray all other the neceſſary charges incident to the payment of the ſaid annuities, as to the ſaid lord treaſurer, or commiſſioners of the treaſury for the time being, ſhall ſeem meet and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding.

Attornies, &c. who by miſtake, &c. have omitted to enter actions, &c. on ſtampt vellum, &c.

XXVIII. *And whereas divers perſons, clerks, ſtewards, mayors, and bailiffs, keeping and holding inferior courts of record, and other perſons concerned in inferior courts, and corporations, and divers officers, attornies, and clerks of the courts at* Weſtminſter, *have through inadvertency, miſtake or miſconſtruction of the law, or by neglect, omitted the iſſuing, entring, enrolling, or fileing of divers actions, plaints, bails, appearances, pledges, declarations, and other proceſs and proceedings, upon ſtampt vellum, parchment, and paper, as by ſeveral acts of parliament made in that behalf they ought to have done, and have delivered declarations where no bail or appearance have been filed or entred, and proceeded further thereon*; be it enacted by the authority aforeſaid, That all and every the ſaid clerks, ſtewards, bailiffs, officers, attornies, and other perſons ſo concerned, as aforeſaid, ſhall be, and they are hereby freed and diſcharged of and from all and every the pains, penalties, and forfeitures not already recovered, and by them reſpectively incurred, for or in reſpect of the premiſſes, before the twentieth day of *March*, one thouſand ſeven hundred and ſix: provided, that ſuch perſon or perſons having ſo neglected and offended, as aforeſaid, do before the three and twentieth day of *November*, one thouſand ſeven hundred and ſeven, pay or cauſe to be paid to the treaſurer or receiver general of the ſtampt duties, the ſeveral duties which by him or them reſpectively ought to have been paid by virtue of the ſaid ſeveral acts; and in default thereof ſuch perſon or perſons reſpectively ſhall loſe the benefit of the indemnity granted by this act; and that all penalties and forfeitures for any offence committed as aforeſaid, which ſhall not be diſcharged by paying ſuch duties before the ſaid three and twentieth day of *November*, ſhall and may be ſued for, proſecuted and recovered, ſo as the proſecution be commenced at any time within one year after the ſaid three and twentieth day of *November*, and not afterwards.

ſuch perſons freed from forfeitures incurred before 20 March, 1706. paying the duties, &c.

In default to loſe the benefit, &c.

XXIX. *And*

XXIX. *And forasmuch as by the doubtful wording of the statute made in the first year of her Majesty's reign, intituled,* An act for preventing frauds in her Majesty's duties upon stampt vellum, parchment, and paper, *the attornies and clerks of the several courts of record at* Westminster *may be in danger of incurring the penalties, forfeitures, and disabilities mentioned in the said act, and other former acts relating to the said duties, by reason of their proceeding in any actions or suits, in any of the said courts, before the attorney or clerk of the adverse part hath entred, filed, or recorded such bail, appearance, or other matter or thing, as he or they ought to have entred, filed, or recorded in the said respective courts:* for the explaining whereof, be it declared and enacted by the authority aforesaid, That no person or persons shall forfeit, incur, or be prosecuted for any penalty, forfeiture, or disability mentioned in the said act made in the said first year of her Majesty, for or by reason of his or their transacting, entring, recording, or filing, or having transacted, entred, recorded, or filed any further or other proceeding, matter, or thing, subsequent or relating to any action, plaint, bail, or appearance, which by any other person or persons whatsoever ought to have been, or is to be first entred, filed, or recorded in any of her said Majesty's courts of record at *Westminster*, before the same hath been or shall be duly entred, filed, or recorded; any thing in the said several acts, or any of them, or in this present act, to the contrary thereof in any wise notwithstanding.

1 Annæ, stat. 2. c. 22.

Attornies, &c. not to incur penalties for proceeding before the other party hath filed bail, &c.

CAP. XX.

An act for the better encouragement of the royal lustring company.

WHEREAS *by an act of parliament made in the third and fourth years of the reign of our most gracious sovereign Queen* Anne, *intituled,* An act for prohibiting all trade and commerce with *France*; *it is declared (amongst other things) That all silks of the manufacture of* France, *imported into this kingdom, shall be seized and condemned, one moiety to her Majesty, her heirs and successors, and the other moiety to the informer: and whereas divers of her Majesty's subjects, under colour of the said act, have taken upon them to sell and dispose of* French *lustrings and alamodes so seized and forfeited, as if they were allowed to be used and worn in* England, *which is contrary to the true intent and meaning of the said act, which was designed more effectually to prevent the importation and use of the said silks, and also to the manifest prejudice of so profitable a manufacture set up in this kingdom by the royal lustring company, and thereby evading the force of several acts of parliament past for the encouragement of the said manufacture:* for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That neither the before recited act for prohibiting all trade and commerce with *France*, nor any thing therein contained, shall be construed to extend to countenance the using and wearing any *French* alamodes or lustrings in this kingdom, but that

3 & 4 Annæ, c. 13.

Not to countenance wearing French alamodes or lustrings, &c.

that the ſame ſhall be ſeized, condemned and exported in like manner and form, and under the like penalties, as they are or ought to have been before the paſſing the ſaid act.

Acts to be in force.

II. And be it further enacted by the authority aforeſaid, That the ſeveral acts of parliament heretofore made for the encouragement of the manufactures aforeſaid, ſhall remain in full force and virtue, as if the ſaid act for prohibiting all trade and commerce with *France* had never been made; any thing therein contained to the contrary in any wiſe notwithſtanding.

None but officers of the cuſtoms, &c. to ſeize luſtrings or alamodes.

III. *And whereas great trouble has been occaſioned to ſhopkeepers and others, by common informers, who are perſons of mean reputation*; be it enacted by the authority aforeſaid, That only ſuch perſon or perſons who is or are officer or officers belonging to the cuſtoms, or who ſhall be deputed by the royal luſtring company, and ſhall have writs of aſſiſtance from her Majeſty's court of Exchequer, and no others, ſhall and may ſeize any luſtrings or alamodes within the cities of *London* and *Weſtminſter*, and the bills of mortality; any thing herein or in any former act to the contrary notwithſtanding.

9 & 10 W. 3. c. 43.

IV. *And whereas by an act made in the ninth and tenth years of the reign of his late majeſty King* William *the Third, intituled*, An act for the better encouragement of the royal luſtring company, and the more effectual preventing the fraudulent importations of luſtrings and alamodes; *it is amongſt other things enacted, That before any perſon or perſons ſhall be admitted to claim any of the ſaid ſilks, they ſhall give good ſecurity by recognizance, in the court where ſuch claim ſhall be entred, not only to pay the coſts of ſuit, in caſe ſuch claimer or claimers ſhall be caſt, but alſo to anſwer and pay the penalties and forfeitures incurred by the ſaid act: and the ſecurity on ſuch claim cannot be diſcharged by yielding the claimer's body to priſon, which is found a great diſcouragement to fair traders dealing in* Engliſh *alamodes and luſtrings*: for remedy whereof, be it enacted by the authority aforeſaid, That when any perſon or perſons claim any alamodes or luſtrings ſeized, it ſhall be ſufficient that ſuch perſon or perſons give good ſecurity in the court where ſuch claims ſhall be made, to anſwer and pay the full coſts of ſuit only, in caſe a verdict ſhall paſs againſt him, her, or them, or the claimer ſhall be nonſuited, or a judgment paſs by default.

Claimers of ſeized alamodes to give ſecurity only to pay coſts if nonſuited, &c.

33 pieces of foreign luſtrings condemned, &c. may be ſold in England. 3 & 4 Annæ, c. 13. Proviſo.

V. *And whereas ſince the making the ſaid act of prohibition of trade and commerce with* France, *thirty three pieces of foreign luſtrings have been ſeized and condemned, being imported contrary to the ſaid act, and ſold to Mr.* David Martin, *merchant, to be uſed in* England, *and have not been ſealed and marked with the cuſtom-houſe ſeal and mark*; it is hereby further enacted, That the ſaid thirty three pieces of foreign luſtrings may be uſed in *England*, and that the ſame ſhall not be ſeized or forfeited; provided that the poſſeſſors thereof reſpectively do on or before the firſt day of *May*, one thouſand ſeven hundred and ſeven, bring the ſaid thirty three pieces of luſtrings, or ſuch part thereof as remain undiſpoſed of, to be ſealed and marked at the cuſtom-houſe with the ſeal and mark uſed for ſealing alamodes and luſtrings imported, and

oath

oath being made, That such silks are the same individual thirty three pieces of silks, or part thereof, so sold at the custom-house, and the commissioners of her Majesty's customs are hereby impowered and required (such oath being made) to cause the said silks to be sealed and marked accordingly; any law to the contrary in any wise notwithstanding.

CAP. XXI.

An act for repairing the highway between Fornhill in the county of Bedford, and the town of Stony Stratford in the county of Buckingham. EXP.

CAP. XXII.

An act to explain and amend an act of the last session of parliament, for preventing frauds frequently committed by bankrupts.

WHEREAS *an act made in the first session of this present parliament, held in the fourth and fifth years of her Majesty's reign, intituled,* An act for preventing frauds frequently committed by bankrupts, *hath not answered the good intent thereof; but on the contrary, many notorious frauds and abuses have been committed, notwithstanding the provisions and penalties in the said act:* for prevention whereof for the future, and for explaining and amending the said late act, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That if any person or persons, who shall become bankrupt within the several statutes made against bankrupts, or any of them, or any other person or persons, by or with his, her or their order, consent or privity, shall from and after the five and twentieth day of *April*, in the year of our Lord, one thousand seven hundred and seven, remove, carry away, conceal, destroy or imbezel any of the goods, wares, merchandizes, monies, or effects, whereof he, she or they, or any person or persons in trust for him, her or them, is or are possessed or entitled unto, to the value of twenty pounds, or upwards, or any books of accompts, bonds, bills, notes, papers or writings relating thereunto, with intent to defraud his, her or their creditors, every such person and persons so becoming bankrupt, and being thereof lawfully convicted, shall suffer as a felon without benefit of clergy; and in such case such bankrupts goods and estate shall go to, and be divided amongst the creditors; any law, usage or custom to the contrary notwithstanding. Cap. 17. Bankrupts who shall after 25 May, 1707, carry away or imbezel any of their effects, with intent to defraud their creditors, to suffer as felons.

II. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *April*, in the year of our Lord, one thousand seven hundred and seven, no person or persons that have, or hath, or shall become bankrupts, shall be discharged from all or any of his, her or their debts owing at the time of such bankrupcy, or be entitled to any allowance or benefit given or provided by the said late act of parliament made in the fourth and fifth years of her now Majesty's No bankrupts to be discharged from their debts, &c.

unless 4 fifths in number and value of creditors sign a certificate, &c.

reign, unless the allowance thereby given, and the certificate by the said act directed to be made and confirmed, shall be first signed by four parts in five in number and value of the creditors of such bankrupts, who shall have duly proved their debts, or some others by them authorized thereunto, testifying their consent to such allowance and certificate, (saving and excepting only such allowances and certificates which have been already made and granted according to the true intent and meaning of the said late act, which shall be good and effectual in the same manner (and no other) as if this present act had not been made) any thing in the said late act, or herein contained, to the contrary notwithstanding.

Bond, bill, &c. of bankrupt given in trust for creditor, &c. void.

III. Provided always, and be it enacted by the authority aforesaid, That every bond, bill, note, contract, agreement, or other security whatsoever to be made or given by any bankrupt, or by any other person for him, unto or to the use of, or in trust for any creditor or creditors, or for securing the payment of any debt or sum of money due from such bankrupt, at the time of his becoming bankrupt, or any part thereof, between the time of his becoming a bankrupt, and the time of such bankrupts discharge, as a consideration, or to the intent to induce or persuade him or her to consent to or sign any such allowance or certificate, shall be wholly void and of no effect; and the monies thereby secured or agreed to be paid, shall not be recovered or recoverable; any thing herein contained, or any law, custom or usage to the contrary notwithstanding.

Notice to be given in London Gazette, of the issuing commissions of bankrupt, &c.

IV. And be it further enacted by the authority aforesaid, That where any commission of bankrupts shall issue out from and after the said five and twentieth day of *April*, in the year of our Lord, one thousand seven hundred and seven, the commissioners therein named, or the major part of them, shall forthwith cause notice thereof to be given in the Gazette, and shall appoint a time and place for the creditors to meet, which meeting, for the city of *London*, and all places within the bills of mortality, shall be at the *Guildhall* of the said city, in order to choose assignee or assignees of the bankrupts estate; and the said commissioners, or the major part of them, shall assign every such bankrupt's estate and effects unto such person or persons only, and no other, as shall be nominated and chosen by the major part of the creditors then present; and the assignee or assignees so chosen, shall be obliged to keep books of the accompt of the bankrupts estate, with liberty for any of the creditors to resort to and inspect them.

Commissioners may make one or more assignees, &c.

V. Provided always, That it shall and may be lawful for the said commissioners, or the major part of them, as often as they shall see cause, for the better preserving or securing the bankrupts estate, immediately to appoint and make one or more assignee or assignees of the said estate, or any part thereof, which assignee or assignees, or any of them, shall or may be removed or displaced at the said meeting of the creditors, if the major part of them then present shall so think fit; and such assignee

who may be removed, &c.

or

or aſſignees as ſhall be ſo removed or diſplaced, ſhall deliver up and aſſign all the effects and eſtate of the bankrupt, which before that time ſhall have come to his, her or their hands or poſſeſſion, or ſhall have been aſſigned to him, her or them, unto ſuch other aſſignee or aſſignees as ſhall be choſen by the ſaid major part of the creditors preſent at ſuch meeting, and the effects and eſtate of the bankrupt which ſhall be ſo delivered up or aſſigned, ſhall be to all intents and purpoſes as effectually veſted in ſuch new aſſignee or aſſignees, as if the firſt aſſignment had been made to him, her or them by the ſaid commiſſioners; and if any of the ſaid firſt aſſignees ſhall refuſe or neglect, by the ſpace of fourteen days next after notice given of the choice of ſuch new aſſignee or aſſignees, and of his, her or their conſent to accept ſuch aſſignment, ſignified to the firſt aſſignee or aſſignees, by writing under his, her or their hands, to make ſuch aſſignment and delivery, as aforeſaid, every ſuch firſt aſſignee or aſſignees ſhall reſpectively forfeit the ſum of one hundred pounds, over and above the value of ſuch money, goods and effects that came to his or their hands reſpectively by virtue of ſuch aſſignment, to be divided and diſtributed among the creditors as the bankrupts eſtate is or ought to be, and to be recovered by action of debt, bill, plaint or information in any of her Majeſty's courts of record at *Weſtminſter*, by ſuch perſon or perſons as the ſaid major part of the creditors ſhall appoint to ſue for the ſame, with full coſts of ſuit, wherein no privilege, protection or wager of law, or more than one imparlance ſhall be allowed; any law, cuſtom or uſage to the contrary notwithſtanding.

VI. And be it alſo further enacted by the authority aforeſaid, That ſuch aſſignee or aſſignees ſo to be choſen, as aforeſaid, or the major part of them, ſhall be and are hereby impowered to make compoſitions with any perſon, debtor or accomptant to ſuch bankrupt, where the ſame ſhall appear neceſſary and reaſonable, and to take ſuch reaſonable part as can upon ſuch compoſition be gotten, in full diſcharge of ſuch debts or accompts; any law, cuſtom or uſage to the contrary notwithſtanding. Aſſignees may compound with debtors, to bankrupt.

VII. And for preventing the taking out commiſſions of bankrupt fraudulently or maliciouſly, be it further enacted by the authority aforeſaid, That no commiſſion of bankrupts under the great ſeal of *England*, ſhall, after the five and twentieth day of *April*, in the year of our Lord one thouſand ſeven hundred and ſeven, be awarded or iſſued out againſt any perſon whatſoever, at the inſtance or upon the petition of any one or more creditor or creditors, unleſs the ſingle debt of ſuch creditor do amount to the ſum of one hundred pounds or upwards, or unleſs the debt of two creditors ſo petitioning, as aforeſaid, ſhall amount to one hundred and fifty pounds, and upwards, or unleſs the debt of three or more creditors ſo petitioning, as aforeſaid, ſhall amount to two hundred pounds, and upwards; and the creditor or creditors petitioning for ſuch commiſſion, ſhall, before No commiſſion to be iſſued out on petition of creditor, unleſs ſingle debt be 100 l. &c.

before the same be granted, give bond to the lord chancellor, lord keeper, or commissioners of the great seal for the time being, in the penalty of two hundred pounds, to be conditioned for paying his, her or their debts, and also for proving the party a bankrupt at the time of taking out such commission; and if such debt or debts shall not be really due and owing, or if after such commission taken out it cannot be proved that the party was a bankrupt at the time, but on the contrary it shall appear, that such commission was taken out fraudulently or maliciously, That then the lord chancellor, lord keeper, or commissioners of the great seal for the time being, shall and may, upon petition of the party or parties grieved, assign such bond to recompence him, her or them in damages; any law, custom or usage to the contrary notwithstanding.

No farmer, &c. nor receiver of taxes, to be deemed a bankrupt.

VIII. Provided always, and it is hereby further declared and enacted by the authority aforesaid, That no farmer, grazier or drover of cattle, or any person who is or hath been a receiver general of taxes granted by parliament, shall be entitled to any of the benefits given by this or the said late act made in the fourth and fifth years of her Majesty's reign, nor be deemed a bankrupt within the same, or any former acts made against bankrupts; any law, custom or usage to the contrary notwithstanding.

Act to continue two years.

IX. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of two years, and from thence to the end of the next session of parliament, and no longer.

CAP. XXIII.

3 & 4 Annæ, c. 12.

An act to subject the estate of Thomas Brerewood to the creditors of Thomas Pitkin, notwithstanding any agreement or composition made with the creditors of the said Thomas Pitkin.

CAP. XXIV.

An act for discharging small livings from their first fruits and tenths, and all arrears thereof.

2 & 3 Annæ, c. 11.

WHEREAS *pursuant to an act of parliament made in the second year of her Majesty's reign, intituled,* An act for the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling any other persons to make grants for the same purpose; *the Queen's most excellent majesty, by letters patent, bearing date the third day of* November, *in the third year of her Majesty's reign, did make, appoint, nominate, constitute, and establish certain persons and officers therein named, to be one body politick and corporate, by the name of* The bounty of Queen *Anne*, for the augmentation of the maintenance of the poor clergy; *and did thereby give and grant to the said governors all the revenues of first fruits and yearly perpetual tenths of all dignities, offices, benefices, and promotions spiritual whatsoever, payable*

Corporation of the bounty of Queen Annæ.

to

to her Majesty, her heirs and successors, by virtue of an act of parliament made in the twenty sixth year of the reign of King Henry *the Eighth, or by virtue of an act of parliament made in the first year of the reign of the late Queen* Elizabeth, *for restitution of first fruits and tenths to the crown, or by virtue of any other act or acts of parliament whatsoever, and all arrears of the said first fruits and tenths then due and undischarged (except as therein is excepted) to be applied and disposed of to and for the augmentation of the maintenance of such parsons, vicars, curates, and ministers, officiating in any church or chapel within the kingdom of* England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *where the liturgy and rites of the church of* England, *as now by law established, shall be used and observed, under such rules, restrictions, and directions, and in such manner and form, as should be established pursuant to those letters patents: and whereas it is thought that the payment of first fruits and tenths for small livings with cure of souls, is a very heavy burden upon the poorer clergy, for whom her Majesty's unparallel'd bounty was designed; and that the immediate discharging of the said first fruits and tenths, and the arrears thereof, of the said small livings, will be a present proper augmentation of the same (several whereof by reason of the said charges are now held in sequestration by temporary curates, without being regularly filled with institution and induction)* be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all ecclesiastical benefices with cure of souls, not exceeding the clear yearly value of fifty pounds by the improved valuations of the same (the tenths whereof are by the said recited charter vested in the said corporation) and the incumbents thereof for the time being, and every of them, their respective heirs, executors, administrators, successors, and sureties, shall be free and clearly discharged and acquitted for ever of and from the said first fruits and tenths, and of and from all arrears of the same.

26 H. 8. c. 3. 1 Eliz. c. 4.

Ecclesiastical benefices not exceeding 50 *l.* per annum, discharged from payment of first fruits, &c. for ever. *Enforced by* 6 Ann. c. 27. & 1 Geo. 1. stat. 2. c. 10.

II. And for the ascertaining of the clear improved yearly valuations of the said ecclesiastical benefices with cure of souls, intended by this act to be discharged from payment of first fruits and tenths; be it further enacted by the authority aforesaid, That the respective bishops of every diocese, or the guardians of the spiritualities *sede vacante*, and the ordinaries of peculiars, and places of exempt jurisdictions, shall and are hereby impowered and required, as well by oaths of two or more credible witnesses (which they or others duly commissioned by them, under their hands and seals, are hereby impowered to administer) as by all other lawful ways and means, to inform themselves of the clear improved yearly value of every benefice with cure of souls within their respective dioceses and jurisdictions, the clear improved yearly value whereof doth not exceed fifty pounds; and on or before the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight, under their respective hands and seals, or seals of

Bishops, &c. before 25 March, 1708, to certify into Exchequer the clear yearly value of small benefices with cure of souls within their dioceses, &c.

of their reſpective offices, to certify into her Majeſty's court of *Exchequer* at *Weſtminſter*, the clear improved yearly value of every ſuch benefice with cure of ſouls, the clear improved yearly value whereof doth not exceed fifty pounds, and ſuch certificate being made, and filed in the ſaid court of *Exchequer*, ſhall aſcertain the clear yearly value of the benefice with cure of ſouls, intended by this act to be diſcharged from firſt fruits and tenths.

Not to diſcharge tenth of benefices granted for ever.

III. Provided always, and it is hereby declared, That this act, or any thing herein contained, ſhall not extend to diſcharge any benefices with cure of ſouls, the tenths whereof were granted away by any of her Majeſty's predeceſſors to any perſon or perſons, bodies politick or corporate, in perpetuity, before the ſaid third day of *November*, in the third year of her Majeſty's reign.

IV. *And whereas the ſaid former act was intended for the augmentation of the maintenance, not only of parſons and vicars, but alſo of curates, and other miniſters officiating in churches or chapels, as is therein mentioned; now for the preventing all doubts touching the capacity of ſuch miniſters to take any certain eſtate to them and their ſucceſſors of or in any part or portion of the firſt fruits and tenths, as ſhall to them be allotted or applied*; be it enacted and declared by the authority aforeſaid, That when any part or portion of the firſt fruits or tenths remaining to be applied or diſpoſed of by virtue of the ſaid former act, ſhall be annually, or otherwiſe applied or diſpoſed of, for or towards the maintenance of any miniſter officiating in any church or chapel, as aforeſaid, ſuch part or portion ſhall from thenceforth for ever be in like manner continued to the miniſter from time to time ſo officiating in the ſame church or chapel; and every ſuch miniſter, whether parſon, vicar, curate, or other miniſter for the time being, ſo officiating in ſuch church or chapel, ſhall and may from time to time take and receive, and by virtue hereof is and ſhall be entitled to have and enjoy the ſame for ever.

Firſt fruits once applied, &c. to continue ſo for ever.

Miniſter, &c. to receive the ſame.

Act to be a publick act.

V. And be it further enacted and declared by the authority aforeſaid, That this act ſhall be taken and accepted in all courts and places whatſoever, as a publick act.

Not to diminiſh penſions, &c. heretofore granted out of firſt fruits.

VI. Provided nevertheleſs, That this act, or any thing herein contained, ſhall not extend or be conſtrued to extend to avoid or diminiſh any annual ſum, ſtipend, penſion, or annuity now in being, which hath heretofore been granted to any perſon or perſons, body politick or corporate, and charged upon the ſaid revenues of firſt fruits and tenths, or any part thereof; but in caſe it ſhall ſo happen that by diſcharging ſuch ſmall livings, or benefices with cure of ſouls, as afore-mentioned, of the payment of firſt fruits and tenths, and all arrears thereof, the firſt fruits and tenths which hereafter ſhall be collected in any dioceſe or dioceſes, ſhall not be ſufficient to pay and ſatisfy ſuch annual ſums as they now ſtand reſpectively charged with, then the whole revenues ariſing from the firſt fruits and tenths, throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, ſhall be liable to make good all ſuch

such deficiencies, and the said deficiencies shall, out of the said revenues (during the continuance of such grants, from time to time as any such annual payments shall become due) be paid and satisfied to all such person and persons as shall in any wise be entitled to receive the same, in such proportions as are limited and appointed in such respective grants. Whole revenues, &c. liable to payment of such, &c.

CAP. XXV.

An act for making the acts more effectual for appropriating the forfeited impropriations in Ireland, *for the building of churches, and augmenting poor vicaridges there.*

WHEREAS *by an act of parliament made in the eleventh and twelfth years of the reign of his late majesty King* William *the Third, intituled,* An act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in *Ireland,* and by a land tax in *England,* for the several purposes therein mentioned, *the said forfeited and other estates and interests were vested in the trustees therein named for the purposes in the said act mentioned: and whereas by the said act it was provided and enacted, That the said trustees, or any seven or more of them, should and might, and they were thereby required, as soon as conveniently might be, after the twenty fifth day of* March, *one thousand seven hundred and one, by bargain and sale, to be inrolled as therein mentioned, to convey all and every the rectories impropriate, with the tythes, oblations, obventions, glebes, advowsons of vicaridges, and other things thereunto severally and respectively belonging or appertaining, forfeited by reason of the said rebellion, and therein before vested in the said trustees, to such person or persons, and their heirs, as the bishop of each respective diocese, wherein such rectories impropriate respectively were, should nominate, upon trust nevertheless, and to the intent and purpose that the profits thereof should be disposed and employed, from the second day of* November, *one thousand six hundred and ninety nine, for the space of twenty years thence next ensuing, in rebuilding or repairing such parish churches within the said kingdom of* Ireland, *as the lords justices, lieutenant general, or other chief governor or governors of the said kingdom for the time being, by and with the advice and consent of the bishop of each respective diocese for the time being, should direct or appoint; and after the expiration of the said term of twenty years, for the perpetual augmentation of such small rectories and vicaridges within the said kingdom of* Ireland, *as the said lords justices, or other chief governors of the said kingdom, by any writing under his or their hands and seals, with consent of the bishop of each diocese, wherein any such augmentation should be made, should direct or appoint, which appointments should before the twenty fifth day of* March *one thousand seven hundred and three, be made and inrolled in the court of* Chancery *in* Ireland, *as a perpetual memorial thereof: and for the making the same more effectual and beneficial for the pious ends and purposes aforesaid, one other act passed in the first year of her Majesty's reign, intituled,* An act for making more effectual the provisions out of the forfeited 11 & 12 W. 3. c. 2. Recital of act. 1 Annæ, stat. 1. c. 31.

estates

eſtates in *Ireland*, for the building of churches, and augmenting ſmall vicaridges in *Ireland*; *whereby it is enacted, That where any ſuch rectories impropriate, tythes, advowſons, or other things ſo veſted in the ſaid truſtees, and directed to be conveyed in truſt, as aforeſaid, were charged with, or liable to any debts, charges, or incumbrances, jointly with any other lands, tenements, or hereditaments, by the ſaid act veſted in the ſaid truſtees, ſuch other lands, tenements, or hereditaments in the firſt place ſhould be liable to, and ſhould anſwer and ſatisfy ſuch debts, charges, and incumbrances; and the ſaid truſtees, or any ſeven of them, were thereby authorized and required to make ſale of ſuch other lands, tenements, or hereditaments, or of a competent part thereof, for or towards the paying off, clearing, and diſcharging ſuch debts, charges, and incumbrances; and as ſoon as conveniently might be, from and after ſuch ſale, and the clearing and diſcharging ſuch debts and incumbrances, ſuch rectories impropriate, tythes, advowſons, and other things ſo veſted in the ſaid truſtees, and directed to be conveyed in truſt, as aforeſaid, as were, together with ſuch other lands, tenements, or hereditaments, jointly charged or incumbred, ſhould be conveyed, and the ſaid truſtees, or any ſeven of them, were thereby authorized and required to convey the ſame to ſuch perſon and perſons, and in ſuch manner, and to ſuch uſes, intents, and purpoſes, as in the ſaid firſt recited act is directed and appointed, freed, and diſcharged of and from all ſuch debts, charges, and incumbrances, be the ſame by matter of record, mortgage, or otherwiſe: and whereas the ſaid truſtees, according to the powers given to them,* Iriſh rectories impropriate convey'd to William Neave, &c. *did convey the ſaid rectories impropriate, with the tythes, oblations, obventions, glebes, advowſons, vicaridges, and other things thereunto ſeverally and reſpectively belonging or appertaining, as aforeſaid, to* William Neave *eſquire, one of her Majeſty's ſerjeants at law in* Ireland, Marmaduke Coghill *and* Morley Saunders, *doctors of law,* Samuel Dopping, John Uſher *and* Stephen Ludlow *eſquires; their heirs, executors, adminiſtrators and aſſigns, for the purpoſes in the ſaid firſt act mentioned: and whereas by ſeveral ſubſequent acts of parliament paſſed ſince the making the ſaid firſt recited act, divers parts of the ſaid forfeited and other eſtates and intereſts by the ſaid firſt act veſted in the ſaid truſtees, have been given, granted, or reſtored to ſeveral perſons, and for ſeveral uſes, intents, and purpoſes in ſuch ſubſequent acts mentioned, in the paſſing of all which ſubſequent acts it was intended that no perſon or perſons was or were, by any ſuch ſubſequent act of parliament, in which any clauſe or proviſion was made or inſerted for or in favour of the ſaid church of* Ireland, *to be reſtored, or to have, by any ſuch act of parliament, any right, title, or intereſt into or out of any of the ſaid rectories impropriate, tythes, oblations, obventions, glebes, advowſons, vicaridges, or other things thereunto reſpectively belonging or appertaining, as aforeſaid, but that they ſhould remain, continue, and be in the ſaid truſtees in the ſaid firſt recited act named, to and for the uſes and purpoſes therein mentioned: and whereas it was likewiſe intended that ſufficient proviſion ſhould be made in every ſuch ſubſequent act of parliament for that purpoſe, and ſeveral clauſes and proviſoes were reſpectively inſerted in every ſuch ſubſequent act and acts; nevertheleſs ſeveral doubts, ſuits,*

11 & 12 W. 3. c. 2.

and controverſies relating thereunto have ariſen, whereby the church reaps little or no benefit by the ſaid firſt recited acts; for remedy whereof, and for making the ſaid intended gift of parliament more effectual for the pious ends and purpoſes mentioned in the ſaid firſt recited act, be it declared and enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every the rectories impropriate, with the tythes, oblations, obventions, glebes, and advowſons of vicaridges, and other things thereunto ſeverally and reſpectively belonging or appertaining, which in and by the ſaid firſt recited act were veſted in the ſaid truſtees therein mentioned, as aforeſaid, and which in and by any of the ſaid ſubſequent act or acts of parliament paſſed in favour of any perſon or perſons, in which any expreſs proviſion or clauſe is contained in favour of the ſaid church of *Ireland*, were any ways given, granted, or reſtored, contrary to the uſes, intents, and purpoſes in the ſaid firſt recited acts mentioned, be, and is, and are hereby diveſted out of ſuch perſon and perſons, and of and from all the uſes, intents, and purpoſes in ſuch ſubſequent acts mentioned, in which any ſuch proviſion is made in favour of the ſaid church of *Ireland*, and be and are hereby veſted and ſettled in the ſaid *William Neave*, *Marmaduke Coghill*, *Morley Saunders*, *Samuel Dopping*, *John Uſher*, and *Stephen Ludlow*, their heirs, executors, adminiſtrators, and aſſigns, according to the ſeveral eſtates and intereſts veſted in the ſaid truſtees by the ſaid firſt recited act appointed, to ſuch uſes, intents, and purpoſes, as therein mentioned, as fully and amply as if the ſame had been reſerved out of, or not given, granted, or reſtored by the ſaid ſubſequent act or acts of parliament, or as if ſuch ſubſequent act or acts of parliament, in which any clauſe or proviſion in favour of the church of *Ireland* is inſerted, and not otherwiſe, had never been made and enacted.

11 & 12 W. 3. c. 2. 1 Ann. ſtat. 1. c. 14.

All rectories impropriate with the tythes, &c. veſted in truſtees by 11 & 12 W. 3. c. 2. and ſince reſtored to any perſons, &c. contrary to intent of act of parliament, ſuch perſons to be diveſted thereof, &c. and the ſame ſettled in William Neave, &c.

II. And be it enacted by the authority aforeſaid, That all bonds taken in the names of the truſtees in the firſt recited act mentioned, or in the name or names of any other perſon or perſons, for any ſum or ſums of money due ſince the paſſing the ſaid firſt recited act, for tythes or other profits iſſuing out of any the ſaid rectories impropriate, advowſons, and other things ſo intended for the building and repairing of the ſaid churches, and not already paid and diſcharged, ſhall be and are hereby made recoverable in the name or names of the reſpective obligees, and ſhall be paid and payable by the reſpective obligees, their heirs, executors, adminiſtrators, or aſſigns, to the ſaid *William Neave*, *Marmaduke Coghill*, *Morley Saunders*, *Samuel Dopping*, *John Uſher*, and *Stephen Ludlow*, their executors, adminiſtrators, and aſſigns, for repairing and building decayed and ruined churches in the ſaid kingdom of *Ireland*; any judgment, decree, or other thing to the contrary notwithſtanding.

Bonds taken in truſtees names, for monies due for tythes, &c. and not diſcharged, recoverable,

and payable to the ſaid William Neave, &c.

III. *And*

Where tythes have been leaſed with lands at a rent in Groſs, &c. the ſaid William Neave, &c. to receive a tenth part of the rent, &c.

III. *And whereas ſeveral of the ſaid forfeited tythes in the ſaid kingdom have been ſet to ſeveral perſons with lands at a rent in groſs, before they became forfeited, and the leaſes thereof claimed and allowed by the ſaid truſtees, purſuant to the ſaid firſt recited act*, be it enacted by the authority aforeſaid, That in all ſuch caſes the ſaid *William Neave*, *Marmaduke Cogbill*, *Morley Saunders*, *Samuel Dopping*, *John Uſher* and *Stephen Ludlow*, their heirs, executors, adminiſtrators, and aſſigns, ſhall have, hold, and receive the tenth part of the ſaid rent in lieu and full ſatisfaction of the ſaid tythes, during the continuance of the ſaid leaſe or leaſes thereof, and after expiration of ſuch leaſe or leaſes reſpectively, the full tythes in kind, or ſuch *Modus* as have or hath been legally ſettled in lieu thereof; in truſt nevertheleſs for and to the uſes, intents, and purpoſes in the ſaid firſt recited act mentioned.

Acts declared publick acts.

IV. And be it hereby declared and enacted, That as well the ſaid firſt recited act, as all other acts or clauſes in any act made ſubſequent to the ſaid firſt recited act, relating to the ſaid forfeited or other eſtates and intereſts in *Ireland*, veſted in the ſaid truſtees, be, and is, and are hereby declared and enacted to be in all courts and places publick acts of parliament.

Not to alter acts, &c. made in favour of Dudley Bagenall or Nicholas Bagenall. 2 W. & M. ſeſſ. 2. c. 17. a private act. 1 Ann. ſtat. 1. c. 27, a private act. Or affect the eſtate of Nicholas, &c.

V. Provided always, That nothing herein contained ſhall be conſtrued, or extend to alter or repeal the act of parliament made and paſſed in the ſecond year of the reign of our late ſovereign lord and lady King *William* and Queen *Mary*, intituled, *An act to bar a remainder limited to* Dudley Bagenall *eſquire, in the eſtate of* Nicholas Bagenall *eſquire in* Ireland; or to alter or repeal an act made and paſſed in the firſt year of her Majeſty's reign, intituled, *An act for the relief of* Nicholas Bagenall *eſquire, with relation to the forfeited eſtates in* Ireland; or to annul, alter, or repeal any clauſes or proviſions in either of the ſaid acts contained, or any ways to affect the eſtate and intereſt of the ſaid *Nicholas Bagenall* in the ſaid acts mentioned; but that the right, title, eſtate, and intereſt of the ſaid *Nicholas Bagenall*, of, in, and unto the ſeveral tenements, impropriations, right of patronage, advowſons, tythes, and hereditaments in the ſaid acts mentioned, ſhall be, remain, and continue in the ſame ſort, manner, and form, as they were before the paſſing of this act, and as if this act had never been made.

CAP. XXVI.

An act for repairing the highways between Sheppards Shord and the Devizes, and between the top of Aſhlington Hill and Rowd Ford in the county of Wilts.

Continued and enlarged by 11 Geo. 1. c. 27. & 18 Geo. 2. c. 14.

CAP.

CAP. XXVII.

An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure.

Most gracious Sovereign,

I. WE your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, duly considering how necessary it is that a full and ample provision be made for enabling your Majesty to carry on the present war with success, and that your Majesty's supply for that purpose, and for other your Majesty's necessary and important occasions, be sufficient and compleat, have cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the subsidies, impositions, and duties herein after mentioned, for the terms herein after expressed; and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the subsidies of tonnage and poundage, and other duties and sums of money payable upon wines, goods and merchandizes imported, which were given and granted unto his late majesty King *Charles* the Second for his life, by an act of parliament made in the twelfth year of his reign, (intituled, *A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported*) and which by several subsequent acts of parliament were continued until the first day of *August*, one thousand seven hundred and six, and by an act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and for preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten, shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes whatsoever, which shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, at any time or times between the last day of *July*, one thousand seven hundred and ten, and the first day of *August*, one thousand seven hundred and twelve; and that the said act made in the twelfth year of the reign of King *Charles* the Second; and every article, rule, and clause therein mentioned, or thereby referred to, shall be of full force and effect, for raising, levying, and recovering the said subsidies and duties hereby granted and continued, for and upon all wines, goods, and merchandizes imported, and all arrears thereof, according to the true meaning of this act, as fully and

Tonnage and poundage inwards continued, 12 Car. 2. c. 4.

1 Annæ, stat. 1. c. 13.

to 1 Aug. 1712.

1 Geo. 1. c. 12.

12 Car. 2. c. 4.

Duties how levied.

6 Ann. c. 11.

in like manner as if the ſame were particularly and at large recited and ſet down in the body of this act.

Acts continued.

II. Provided always, and be it further enacted by the authority aforeſaid, That an act of parliament made in the twelfth year of the reign of the ſaid King *Charles* the Second, intituled, *An act to prevent frauds and concealments of his Majeſty's cuſtoms and ſubſidies*; as alſo an act made in the fourteenth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for preventing frauds and abuſes in his Majeſty's cuſtoms*; and alſo an act made in the two and twentieth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for the improvement of tillage, and the breed of cattle*; and alſo one other act made in the five and twentieth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for taking off aliens duties upon commodities of the growth, product and manufacture of the nation*; and alſo one other act made in the ſaid five and twentieth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for the encouragement of the* Greenland *and* Eaſtland *traders, and for the better ſecuring the plantation trade*; and alſo one other act made in the firſt year of the reign of King *James* the Second, intituled, *An additional act for the improvement of tillage*; and one act made in the eighth year of the reign of his late majeſty King *William* the Third, intituled, *An act for the leſſening the duty upon tin and pewter exported, and granting an equivalent for the ſame by a duty upon drugs*; and another act of the ninth year of his reign, *For encreaſing his Majeſty's duties upon luſtrings and alamodes*; and one act made in the eleventh year of his reign, intituled, *An act for taking away the duties upon the woollen manufactures, corn, grain, bread, biſcuit, and meal exported*; and all clauſes and directions whatſoever contained therein, or in any other act or acts of parliament now in force concerning the ſaid ſubſidy of tonnage and poundage, and other ſums of money upon merchandize imported, which were granted in the twelfth year of the reign of King *Charles* the Second, as aforeſaid, ſhall be of full force and effect until the ſaid firſt day of *Auguſt*, which ſhall be in the year of our Lord, one thouſand ſeven hundred and twelve.

12 Car. 2. c. 19. 13 & 14 Car. 2. c. 11. 22 Car. 2. c. 13. 25 Car. 2. c. 6. 25 Car. 2. c. 7. 1 Jac. 2. c. 19. 8 & 9 W. 3. c. 34. 9 & 10 W. 3. c. 30. 11 & 12 W. 3. c. 20. 12 Car. 2. c. 4.

Except clauſes intended to be perpetual.

III. Provided nevertheleſs, and be it declared and enacted, That nothing herein contained ſhall be conſtrued or taken to determine any articles or clauſes in any of the laſt-mentioned acts, hereby enacted to be in force until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, which were appointed and intended to be perpetual, or which were continued by any act of parliament for any time which will not expire by or before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve: but that the ſame, and every of them, ſhall continue and remain in force as if this preſent act had not been made: but ſuch of the ſaid acts, and ſuch clauſes in any of them, as would otherwiſe determine before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, ſhall hereby be revived, and ſtand, continue, and be in force until the ſaid firſt

day

day of *Auguſt*, one thouſand ſeven hundred and twelve, and no longer.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral impoſitions and duties upon wines and vinegar, granted by an act made in the firſt year of the reign of his ſaid late majeſty King *James* the Second, intituled, *An act for granting to his Majeſty an impoſition upon all wines and vinegar imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty and five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety and three:* which ſaid act, by ſeveral ſubſequent acts of parliament, was continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix; and by the ſaid act of the firſt year of her Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, are granted to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and ten; ſhall, by virtue of this act, be further continued to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and ten, to the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, and no longer; and that the ſaid act ſo made in the firſt year of the reign of the ſaid late King *James* the Second, and all powers, proviſions, penalties, articles, and clauſes therein contained, for or concerning the ſaid impoſitions on wines and vinegar, ſhall continue and be in full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, and ſhall be applied, practiſed, and executed for raiſing, levying, collecting, anſwering, and paying the ſaid duties upon wine and vinegar, hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as fully, to all intents and purpoſes, as if all and every the clauſes, matters, and things in the ſaid act of the firſt year of the reign of the ſaid King *James* the Second contained, had been again repeated in this act, and particularly enacted.

Duties on wines and vinegar, to continue to 1 Aug. 1712. 1 Jac. 2. c. 3. 1 Ann. ſtat. 1. c. 13. 1 Jac. 2. c. 3.

V. And be it further enacted by the authority aforeſaid, That the rates, duties, and impoſitions upon all ſorts of tobacco, granted by an act made in the firſt year of the reign of the ſaid late King *James* the Second, intituled, *An act for granting to his Majeſty an impoſition upon all tobacco and ſugar imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty and five, and the twenty fourth day of* June, *one thouſand ſix hundred ninety and three:* which ſaid act, as for and concerning the ſaid duties and impoſitions upon tobacco only, by ſeveral ſubſequent acts of parliament, was continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix, and by the ſaid act of the firſt year of her Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, are granted to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and ten, ſhall by virtue of this act be further continued and paid to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and ten, to the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, and no longer.

Duties on tobacco continued to 1 Aug. 1712. 1 Jac. 2. c. 4. 1 Ann. ſtat. 1. c. 13.

To be levied as by 7 & 8 W. 3. c. 10.

VI. Provided always, and be it enacted and declared by the authority aforesaid, That the said duty upon tobacco, which shall be imported during the term hereby granted, and all arrears thereof, shall be secured, collected, raised, levied, answered, and paid to her Majesty, in such method, and with such discount and allowances, and according to such rules and directions as are mentioned, referred to, or prescribed as to the duties or impositions upon tobacco, in and by the act made in the parliament holden in the seventh and eighth years of the reign of King *William* the Third, intituled, *An act for continuing several duties granted by former acts upon wine, vinegar, and upon tobacco, and* East India *goods, and other merchandizes imported, for carrying on the war against* France, and not otherwise.

Duties on East India goods &c. continued to 1 Aug. 1712. 2 W. & M. sess. 2. c. 4.

VII. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges upon the several sorts of goods and merchandizes, granted by an act made in the second year of the reign of King *William* the Third, and Queen *Mary*, intituled, *An act for granting to their Majesties certain impositions upon all* East India *goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of* December, *one thousand six hundred and ninety*, and which thereby, and by several subsequent acts of parliament, were continued until the first day of *August*, one thousand seven hundred and six, and by the said act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten, shall be further continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer; and that the said act made in the second year of their said late Majesties reign, concerning *East India* goods and other things therein charged, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue, and be of full force and effect, until the said first day of *August*, one thousand seven hundred and twelve, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said respective duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if the said last-mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated, and particularly enacted; except only as to such part of the said acts concerning the said impositions on wines, vinegar, tobacco, *East India* goods, and other merchandizes imported, touching which other provisions or alterations are made by any act or acts of parliament now in being; which other provisions or alterations are to be observed, and to continue during the continuance of this present act, and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon*

1 Ann. stat. 1. c. 13.

Except where alterations are made.

7 & 8 W. 3. c. 10.

on

on tobacco, and Eaſt India *goods and other merchandizes imported, for carrying on the war againſt* France; and every article, clauſe, matter, and thing therein contained, for the raiſing, levying, ſecuring, anſwering, and paying the impoſitions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, ſhall be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve.

New Impoſt continued to 1 Auguſt 1712. 4 & 5 W. & M. c. 5.

VIII. And be it further enacted by the authority aforeſaid, That the additional and other rates, duties, impoſitions, and charges upon the ſeveral ſorts of goods and merchandizes granted by an act of parliament made in the fourth year of their ſaid late Majeſties reign, intituled, *An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes, for the proſecuting of the preſent war againſt* France, which by ſeveral ſubſequent acts of parliament were continued until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſix, and by the ſaid act of the firſt year of her Majeſty's reign, intituled, *An act for making good deficiencies, and preſerving the publick credit*, are granted to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and ten, ſhall by virtue of this act be further continued, and be paid and payable to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and ten, to the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, and no longer; and that the ſaid act laſt-mentioned, and all powers, proviſions, penalties, articles, and clauſes therein contained, (except as herein after is excepted and provided) as for and concerning the ſaid rates, duties, and impoſitions, ſhall continue and be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, and ſhall be applied, practiſed, and executed for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as if the ſaid laſt-mentioned act, and all and every the clauſes, matters and things therein contained, had been again repeated, and particularly enacted in this preſent act.

1 Ann. ſtat. 1. c. 13.

Exception.

Alterations made by acts to be obſerved.

IX. Provided alſo, That in all caſes where any other proviſion or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the ſaid act of parliament for the impoſitions laſt-mentioned, ſuch other proviſions or alterations ſhall be obſerved, during the continuance of the term hereby granted; any thing herein contained to the contrary notwithſtanding.

Duties on whale-fins, &c. 9 & 10 W. 3 c. 45.

X. And it is hereby further enacted, That the ſeveral impoſitions and duties for and upon all whale-fins imported, which by an act of parliament in the ninth year of the reign of his ſaid late majeſty King *William* the Third, intituled, *An act for taking away half the duties impoſed on glaſs wares, and the whole duties laid on ſtone and earthen wares, and tobacco pipes, and for granting in lieu thereof new duties on whale-fins and* Scotch *linens*, were granted to his ſaid late majeſty King *William*, and by an

act of the first year of her Majesty's reign, were continued until the first day of *August*, one thousand seven hundred and ten, shall be, and are hereby continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer; and shall be raised, levied, collected, and paid, in such manner and form, and by such ways and means, and under such penalties as are mentioned in the said act for granting the said impositions on whale-fins and *Scotch* linens; which act, with all the powers, provisoes, penalties, articles, and clauses therein contained, or thereby referred to, shall continue and be in full force until the said first day of *August*, one thousand seven hundred and twelve, and shall be applied, practised, and put in execution for raising and levying the said duties on whale-fins, hereby continued, and all arrears thereof, as fully and effectually as if all the clauses, matters, and things therein contained, concerning the said duties on whale-fins, were repeated, and again enacted in the body of this present act.

Continued to 1 Aug. 1712. 1 Ann. stat. 1. c. 13.

XI. *And whereas the said subsidies of tonnage and poundage, and the said other duties granted therewith, in the twelfth year of King* Charles *the Second, as aforesaid; and the said impositions on wines, vinegar, and tobacco, which were first granted to King* James *the Second, in the first year of his reign; and the said impositions on* East India *goods, and other goods charged therewith, which were first granted to their late majesties King* William *and Queen* Mary, *in the second year of their reign; and the said additional impositions which were first granted to them in the fourth year of their reign; and the said duties on whale fins imported, which were granted to his said late majesty King* William, *in the ninth year of his reign, were by the said act of the first year of her Majesty's reign, intituled,* An act for making good deficiencies, and preserving the publick credit, *continued as aforesaid, until the said first day of* August, *one thousand seven hundred and ten, in the manner therein mentioned; and the said subsidies, impositions, and duties arising by the said act of the first year of her Majesty's reign, are thereby made subject and liable to the satisfaction of the principal and interest monies therein mentioned, great part of which principal monies do still remain unsatisfied, and are (together with all the interest due, and to grow due thereupon) to be paid and discharged in the first place out of the subsidies, impositions, and duties granted or continued by the act last mentioned:* now it is hereby further declared and enacted by the authority aforesaid, That from and immediately after the time that all the principal and interest monies, which by the said act of the first year of her Majesty's reign, for making good deficiencies, and preserving the publick credit, are charged upon the several subsidies, duties, and impositions last-mentioned, shall be fully paid off and satisfied, or that sufficient money shall be reserved in the Exchequer for that purpose, then the aforesaid subsidies, duties, and impositions last-mentioned, to arise by the said act of the first year of her Majesty's reign, for the remainder of

12 Car. 2. c. 4. 1 Jac. 2. c. 3. 1 Jac. 2. c. 4. 2 W. & M. ſſ. 2. c. 4. 4 & 5 W. & M. c. 5. 9 & 10 W. 3. c. 45. 1 Ann. stat. 1. c. 13.

After principal and interest monies by 1 Ann. stat. 1. c. 13. are paid off, remainder to be paid into the Exchequer for uses in this act.

of the ſeveral terms thereby granted, and therein then to come and unexpired (except the neceſſary charges of raiſing, levying, collecting, and accounting for the ſame) ſhall from time to time be paid into the receipt of the Exchequer diſtinctly, for the purpoſes in this preſent act expreſſed, and for no other uſe, intent, or purpoſe whatſoever.

Clauſe of loan for eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings, and eight pence farthing. 1 Ann. ſtat. 1. c. 13.

XII. Provided alſo, and it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives, or foreigners, bodies politick or corporate, to advance and lend to her Majeſty at the receipt of her Majeſty's Exchequer, as well upon credit of the ſeveral ſubſidies, impoſitions, and duties by this act granted or continued, as alſo upon credit of the monies which by the ſaid act of the firſt year of her Majeſty's reign, after ſatisfaction of the principal and intereſt thereupon, as aforeſaid, ſhall ariſe by the ſubſidies, impoſitions, and duties thereby granted, any ſums which ſhall not exceed in the whole the ſum of eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings and ſix pence farthing, for the ſervice of the war, and other her Majeſty's occaſions; and moreover the lord high treaſurer of *England* for the time being, or any three or more of the commiſſioners of the treaſury for the time being, are hereby authorized and directed to cauſe the officers of the ſaid receipt of the Exchequer to receive from time to time by way of loan, from any perſon or perſons, bodies politick or corporate, willing to make the ſame at the ſaid receipt, any further ſum and ſums of money, over and above the ſaid ſum of eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings and ſix pence farthing, as ſhall be ſufficient to make good the payment of all the intereſt monies appointed or allowed by this act, every three months, until the ſaid ſubſidies, impoſitions, and duties ariſing by this or the ſaid act of the firſt year of her Majeſty's reign, or either of them firſt happening, ſhall come into the Exchequer, and be ſufficient for that purpoſe, purſuant to the intent and true meaning of this act; and that all the lenders, as well of the ſaid ſum not exceeding eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings, and ſix pence farthing, as of the ſaid further ſums for making good the payment of the intermediate intereſt as aforeſaid, ſhall have and receive intereſt for the forbearance thereof, after the rate of ſix pounds *per centum per annum*; and that no money to be lent upon the ſecurity of this act, ſhall be taxed, rated or aſſeſſed by any act of parliament whatſoever.

1 Ann. ſtat. 1. c. 13.

at 6 per cent.

Tax-free.

Lenders to have tallies and orders, &c.

XIII. And it is hereby further enacted, That all and every perſon or perſons who ſhall lend any money upon ſuch credits as aforeſaid, and pay the ſame into the ſaid receipt of Exchequer, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his, her, or their repayment, bearing the ſame date with his, her, or their tallies, in or upon which order ſhall be alſo contained a warrant for payment of intereſt for the forbearance thereof at the rate aforeſaid, to be paid every three months

until the re-payment of the principal; and that all ſuch orders for re-payment of money to be lent, ſhall be regiſtred in courſe, according to the dates reſpectively, without other preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand regiſtred in the ſaid regiſter books, ſo as the ſaid perſon, native or foreigner, his or her executors, adminiſtrators, or aſſigns, who ſhall have his or her order or orders firſt entred in the ſaid reſpective books of regiſter, ſhall be taken and accounted the firſt perſon to be paid out of the monies to come in by this act; and he, ſhe, or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively, and in courſe; and that the monies to come in, of or for the ſeveral ſubſidies, impoſitions, and duties by this act granted or continued as aforeſaid, and alſo the monies which by the ſaid act of the firſt year of her Majeſty's reign (after ſatisfaction of the principal and intereſt thereupon as aforeſaid) ſhall ariſe by the ſubſidies, impoſitions, and duties thereby granted as aforeſaid, ſhall be in the ſame order liable to the ſatisfaction of the monies to be lent as aforeſaid, to the reſpective parties, their executors, adminiſtrators, ſucceſſors and aſſigns reſpectively, without undue preference of one before another, and not otherwiſe; and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, to be demanded or taken of any her Majeſty's ſubjects, for providing or making of any ſuch books or regiſters, or any entries, views, or ſearch in or for payment of money lent, or the intereſt thereof as aforeſaid, by any of her Majeſty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with treble coſts of ſuit, or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, with damages and coſts to the party grieved, and ſhall be forejudged of his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever incapable of his place or office; and in caſe the auditor of the receipt ſhall not direct, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks herein offending to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages, and coſts to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt,

Monies not divertible.

1 Ann. ſtat. 1. c. 13.

No fee to be taken on penalty,

Or undue preference made &c.

Penalties how recoverable.

debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

No undue preference, &c.

XIV. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference, which of those be entred first, so as he enters them all the same day.

Subsequent orders.

XV. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders assignable.

XVI. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans to be registred by virtue of this act, after order entred in the book of register as aforesaid, his executors, administrators, or assigns, by proper words of assignment, to be endorsed and written upon his order, may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders, which the officers shall upon request without fee or charge accordingly make, shall entitle such assignee, his executors, administrators, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, and discharge the same, or any the monies thereby due, or any part thereof.

Wine gallon ascertained.

XVII. And to the end the contents of the wine gallon, whereby the duties hereby granted are to be levied, may be ascertained and known to all her Majesty's subjects, and that all disputes and controversies touching the wine measures, according to which any customs, subsidies, or other duties, are, from and after the first day of *May*, one thousand seven hundred and seven, to be paid or payable to her Majesty, her heirs or successors, may be settled, be it further enacted and declared by the authority aforesaid, That any round vessel (commonly called a cylinder) having an even bottom, and being seven inches diameter throughout, and six inches deep from the top of the inside to the bottom, or any vessel containing two hundred thirty one cubical inches, and no more, shall be deemed and taken to be a lawful wine gallon; and it is hereby declared, That two

A cylinder.

hun-

252 gallons a ton of wine. 126 a butt or pipe. 63 a hogshead.

hundred fifty two gallons, consisting each of two hundred thirty one cubical inches, shall be deemed a ton of wine, and that one hundred twenty six such gallons shall be deemed a butt or pipe of wine, and that sixty three such gallons shall be deemed an hogshead of wine.

Monies remaining after loans satisfied, how appropriated.

XVIII. And be it further enacted by the authority aforesaid, That all the monies lent and to be lent unto her Majesty on one act of this session of parliament, intituled, *An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and seven*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain (after all the loans made, or to be made upon that act, and the interest thereof, and the charges thereby allowable for raising the said tax, shall be satisfied, or money sufficient shall be reserved to discharge the same) and all the monies lent and to be lent unto her Majesty upon one other act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seven*, and so much money of the said duties on malt, mum, cyder, and perry thereby granted, as shall arise and remain (after all the loans made or to be made upon that act, or thereby transferred or directed to be transferred thereunto, and the interest thereof, and the charges thereby allowable for raising the said duties thereby granted, shall be satisfied, or monies sufficient shall be reserved to discharge the same) and the sum not exceeding fifteen hundred thousand pounds to be issued in Exchequer bills, pursuant to another act of this session of parliament, intituled, *An act for continuing the duties on houses, to secure a yearly fund for circulating Exchequer bills*, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions; and the sum not exceeding eleven hundred and twenty thousand pounds, mentioned and intended to be raised by another act of this session of parliament, intituled, *An act for continuing the duties on low wines, and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamp'd vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain surplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and seven*; and the said sum not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings and six pence farthing, intended to be raised upon this present act, shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed (that is to say) For or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, tear, and other services of the navy, and the victualling thereof performed, and to be performed; and for the sea service in the

5 Ann. c. 1.

5 Ann. c. 2.

5 Ann. c. 13.

5 Ann. c. 19.

Ordinary of the navy and ordnance.

the office of the ordnance, performed, and to be performed; and for or towards the making of a wharf and ſtorehouſe at *Portſmouth*; and for or towards the land ſervices performed, and to be performed, by the office of ordnance; and to and for ſubſiſtence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thouſand ſeven hundred and ſix, to her Majeſty's guards and garriſons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the ſame, and for payment of invalids for the ſaid year, beginning from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and ſix; and for or towards the defraying the charges of her Majeſty's army, and ſuch forces as are or ſhall be added thereunto, in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and ſix, and the contingent charges thereunto belonging; and for or towards her Majeſty's proportion of the charge of eight thouſand men ſent to the aſſiſtance of the duke of *Savoy*, for the ſervice of the year one thouſand ſeven hundred and ſeven; and for or towards the defraying the charge of her Majeſty's forces, and additional forces to be employed in *Spain* or *Portugal*, and for the general officers, contingencies, hoſpitals, forage, and waggon money there, and for the garriſon at *Gibraltar*, and for general officers ſerving the King of *Portugal*, for the ſaid year one thouſand ſeven hundred and ſeven; and for or towards her Majeſty's proportion of the further charges neceſſary to proſecute the ſucceſſes already gained by King *Charles* the Third, for the recovery of the monarchy of *Spain* to the houſe of *Auſtria*; and for or towards the payment of her Majeſty's proportion of the ſubſidies due upon treaties made or to be made with her Majeſty's allies, and other charges for the ſervice of the war, for any time before or until the ſaid five and twentieth day of *December*; one thouſand ſeven hundred and ſeven; and for the payment of another year's intereſt on the unſatisfied debentures charged upon the *Iriſh* forfeitures; and for or towards the tranſportation of land forces performed and to be performed; and for or towards diſcharging the *præmiums* and other charges for circulating for another year the bills commonly called the Exchequer bills, which were iſſued before this ſeſſion of parliament; and for or towards the making good the ſum of fifty thouſand pounds which was advanced by her Majeſty to the duke of *Savoy*, for the better defence of *Turin*, and for the ſervice of the war in *Italy*, in the year one thouſand ſeven hundred and ſix; and for or towards the making good the ſum of forty ſeven thouſand five hundred pounds, being her Majeſty's ſhare of a loan to the emperor of *Germany*, for the ſervice of the war in *Italy*, in the ſaid year one thouſand ſeven hundred and ſix; and for or towards the making good the ſum of ſixty three thouſand ſix hundred ſixty one pounds, thirteen ſhillings, and ſix pence, computed for levy-money, pay, and contingencies of the forces ſent on the expedition under the command

Wharf at Portſmouth, &c.

Guards and garriſons.

Armies in the Low Countries, &c.

Proportions of the charge of 8000 men in Savoy.

Forces in Spain and Portugal.

Garriſon of Gibraltar.

Recovery of Spain.

Treaties with allies.

Unſatisfied debentures.

Exchequer bills.

Duke of Savoy.

Loan to the emperor.

Expedition under earl Rivers.

command of earl *Rivers*; and for or towards making good a ſum not exceeding three thouſand and fourteen pounds, for defraying her Majeſty's expence for the pay of the general officers

Troops of Portugal.

of a body of thirteen thouſand men of the troops of the King of *Portugal*, purſuant to the treaty in that behalf, until the three and twentieth day of *December*, one thouſand ſeven hundred and ſix; and for or towards making good a ſum not exceeding twenty ſix thouſand ſix hundred ninety two pounds, thirteen ſhillings and ten pence, three farthings, for defraying her Ma-

Palatine troops.

jeſty's ſhare of the pay of three thouſand *Palatine* troops, purſuant to the treaty with the elector *Palatine*, from the ſeventeenth day of *March*, one thouſand ſeven hundred and five, to the three and twentieth day of *December* following; and for or towards a ſum not exceeding thirty ſeven thouſand and twelve pounds, ſeven ſhillings, and ſix pence, for defraying her Ma-

Pruſſian troops.

jeſty's ſhare of the agio bread and forrage, for twelve thouſand *Pruſſians* imployed in her Majeſty's ſervice in the *Netherlands*; and for or towards a ſum not exceeding twenty thouſand pounds,

Landgrave of Heſſe Caſſel.

for an additional ſubſidy to the landgrave of *Heſſe Caſſel* for augmenting his troops, and marching them into *Italy*, and for defraying their expence of bread, waggons, and carriages, and of hoſpitals for their ſick and wounded, for the ſervice of the year one thouſand ſeven hundred and ſeven; and for or towards the making good a ſum not exceeding nineteen thouſand ſeven hundred fifty five pounds, nine ſhillings, and ſix pence, for defraying her Majeſty's proportion of the agio bread and forrage for

Pruſſians.

the ſaid twelve thouſand *Pruſſians*, from their coming into her Majeſty's ſervice, until the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and ſix; and for or towards the making good a ſum not exceeding eleven thouſand ſeven hundred and eighty pounds, and eighteen ſhillings, for defraying her Majeſty's proportion of the extraordinary charge for the

Augmentation troops of Heſſe.

augmentation troops of the landgrave of *Heſſe Caſſel* imployed in *Italy*, from the twentieth day of *May*, one thouſand ſeven hundred and ſix; and for or towards the making good a ſum not exceeding thirty four thouſand ſix hundred and ſeven pounds, thirteen ſhillings, and five pence half penny, for levy-money to recruit ſeveral horſes of the foreign troops in her Majeſty's pay, that were killed or died of the common diſtemper in *Flanders*, in the year one thouſand ſeven hundred and five; and for or towards the making good a ſum not exceeding eleven

Levy-money.

hundred forty ſix pounds, for a further allowance of levy-money for recruiting the horſes of the *Engliſh* horſe and dragoons loſt in the ſame campaign in *Flanders*; and for or towards the making good a ſum not exceeding ſeven thouſand five hundred ſeventy three pounds, for levy-money to recruit other horſes of the *Engliſh* horſe and dragoons, and for officers horſes which died of the common diſtemper after the ſaid campaign there, between the one and thirtieth day of *October*, one thouſand ſeven hundred and five, and the latter end of *February* following; and for or towards the making good a ſum not exceeding eleven

thouſand

thouſand two hundred ninety eight pounds, for levy-money for recruiting the horſes of the *Engliſh* horſe and dragoons, which were killed and died of the common diſtemper in the *Low Countries*, between the firſt day of *May*, one thouſand ſeven hundred and ſix, and the one and thirtieth day of *December* following; and for or towards the making good a ſum not exceeding ſixteen thouſand fifty five pounds, twelve ſhillings and ſix pence, for defraying her Majeſty's ſhare of the levy-money for recruiting the horſes of the *Daniſh* troops in the pay of *England* and *Holland*, that were loſt in the ſame manner between the firſt day of *January*, one thouſand ſeven hundred and five, and the laſt day of *October*, one thouſand ſeven hundred and ſix; and for or towards the making good a ſum not exceeding one thouſand ſeven hundred ſeventy five pounds, for the like loſs ſuſtained by the troops of *Hanover* in her Majeſty's pay during the laſt campaign in *Flanders*; and for ſatisfying and diſcharging the ſum of three hundred ninety eight thouſand eighty five pounds ten ſhillings, mentioned in the fifteenth article of the treaty of union between *England* and *Scotland*, confirmed by acts of parliament in both kingdoms, being the equivalent to be anſwered by the ſaid article to *Scotland*, for ſuch cuſtoms and exciſe which *Scotland* is to be charged with, and will be applicable to the debts of *England*; and for enabling her Majeſty to make a recompence not exceeding two thouſand ſix hundred forty one pounds, to the mayor, aldermen, and citizens of the city of *Carliſle*, for ſuch tolls as they are to be deprived of by the ſixth article of the ſaid treaty of union; which recompence is to go to and for the ſame uſes and purpoſes to which the ſaid tolls ought to have been applied; and for enabling her Majeſty to make a recompence, not exceeding five thouſand pounds, to *Joſeph Muſgrave*, *Thomas Muſgrave*, and *George Muſgrave*, ſons of Sir *Chriſtopher Muſgrave* baronet, deceaſed, in full diſcharge of all tolls in *Weſtmoreland* and *Cumberland*, that were granted to Sir *Philip Muſgrave* baronet, by King *Charles* the Second, and which are ſpecified in the grants of King *James* the Second, and King *William* the Third, to the late Sir *Chriſtopher Muſgrave*; and for enabling her Majeſty to apply what may be convenient for the better ſecuring the iſlands of *Nevis* and St. *Chriſtophers*, and ſupplying them with neceſſaries in order to a re-ſettlement; and to no other uſes, intents, or purpoſes whatſoever.

Equivalent money.

Recompence to the city of Carliſle.

XIX. Provided always, That out of the monies to be iſſued to the guards and garriſons as aforeſaid, there ſhall and may be taken and applied any ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds ten ſhillings, towards the charge of maintaining the ſoldiers raiſed and to be raiſed, for ſea ſervice, with their officers, and the contingent charges thereunto belonging; and out of the monies to be iſſued for the ſervice of the navy and ſea ſervices, as aforeſaid, there ſhall be taken and applied ſuch ſums as, together with the ſaid ſum, not exceeding eighty ſeven thouſand one hundred twenty five pounds ten ſhillings, ſhall be neceſſary for the charge of maintaining the ſaid ſoldiers

For maintenance of the marines.

ſoldiers for ſea ſervice, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithſtanding.

CAP. XXVIII.

EXP. An act for raiſing the militia for the year one thouſand ſeven hundred and ſeven, notwithſtanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy money.

CAP. XXIX.

An act for eaſe of her Majeſty's ſubjects in relation to the duties upon ſalt, and for making the like allowances upon the exportation of white herrings, fleſh, oatmeal, and grain called beer, alias *bigg, as are to be made upon exportation of the like from* Scotland.

5 Ann. c. 8. WHEREAS *by the articles of union between the kingdoms of* England *and* Scotland, *which are agreed upon and confirmed by an act of this preſent parliament, there are certain conceſſions made for the advantage of her Majeſty's ſubjects of that part of* Great Britain *called* Scotland, *in matters relating to the duties upon*

Article 8. *ſalt, and other goods and merchandizes, as are herein after-mentioned, whereby her Majeſty's ſubjects in* England, *trading in ſalt and other the commodities herein after particularly expreſſed, will be liable to great diſadvantages, unleſs proviſion be likewiſe made for their eaſe in the ſaid trade:* we your Majeſty's moſt dutiful and loyal ſubjects the commons, in parliament aſſembled, being deſirous that there may be as great an equality of trade as is poſſible among all your Majeſty's ſubjects, do beſeech your Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That all foreign ſalt that ſhall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, from and after the firſt day of *May*, one thouſand ſeven hundred and ſeven, ſhall, upon the landing thereof, be weighed, cellared, and locked up in the preſence of an officer for the duties on ſalt, under the cuſtody of the merchant or importer (who is to be at the charge of the cellarage or ſtore-houſe) and ſuch officer as the commiſſioners for the duties on ſalt for the time being, ſhall appoint, in the port or place where the ſame ſhall be ſo imported and landed; and that it ſhall and may be lawful to and for the merchant or importer of the ſaid ſalt, from time to time, in the preſence of an officer for the duties on ſalt, and by warrant or permit, under ſuch officer's hand and ſeal, to have what quantity thereof his occaſions may require, not under a weigh or forty buſhels at a time, giving ſecurity for the duty of what quantity he receives, payable in ſix months time after the delivery of any ſuch ſalt; and in caſe ſuch merchant or importer ſhall pay ready money upon the delivery of the ſalt, he ſhall have after the rate of ten pounds *per centum per annum* out of the ſaid duties abated him.

For preſerving an equality of trade.

Foreign ſalt imported after 1 May, 1707, to be weighed, cellared, and locked up.

Merchant to have any quantity, &c. not under forty buſhels, paying duty in ſix months.

II. And

II. And be it further enacted by the authority aforesaid, That if such foreign salt imported, shall not, upon the landing thereof, be secured, as aforesaid, the same shall be liable to payment of duties, and to such penalties and forfeitures, for not paying or securing such duties, as if this act had not been made; and that no salt so cellared and locked up, as aforesaid, shall be removed from any such cellar or place, without notice first given to the officer appointed for that purpose, and without a warrant or permit for conveying the same, as aforesaid, upon pain of forfeiting such salt, and also upon pain of forfeiting ten shillings *per* bushel, and also the sum of twenty pounds for every such offence, to be recovered from the person or persons who imported the same; and that every carrier, or person who shall carry, convey, or remove any such salt without notice first given to the officer, and without a warrant or permit for conveying the same, shall be liable to the like forfeitures of ten shillings *per* bushel, and also twenty pounds for every such offence.

Penalty on landing foreign salt not so secured, Or removing it without permit.

III. Provided nevertheless, That where the whole quantity of foreign salt, liable to duty, imported in any ship or vessel, does not amount to forty bushels, the duties shall be paid and secured, according to the provisions made by former laws; any thing herein to the contrary notwithstanding.

Proviso if quantity amount not to forty bushels.

IV. *And whereas salt carried coastwise is or may be liable to waste*, be it enacted by the authority aforesaid, That any merchant or person who, from and after the said first day of *May*, one thousand seven hundred and seven, shall ship any *English* salt, or rock salt, to be carried coastwise, (*viz.*) from one port of *England* or *Wales*, or the port of *Berwick* upon *Tweed*, to any port of *England* or *Wales*, or *Berwick* upon *Tweed*, the duties having been paid, or secured to be paid, according to former laws, shall have an allowance made to him, after the rate of three bushels for every forty bushels of *English* white salt, and after the rate of one bushel and an half for every forty bushels of *English* rock salt so shipped to be carried coastwise, and proportionably for a greater or less quantity, in consideration of the ordinary waste in the carriage thereof, which allowance shall be made but once for the same salt, although such salt be carried from several ports coastwise, as aforesaid, and the proper officer of the port, where such salt or rock salt shall be first shipped to be carried coastwise, shall not only express the said allowance on the coast cocquet or transire for the same, but also give *gratis* to the said merchant, or other person there shipping the same, a certificate under hand and seal, of the number of bushels of salt so shipped, and how much the allowance hereby directed to be made at the rates aforesaid doth amount to, which certificate being produced to the officer who first received the duties of the said salt, or took security for the same, the officer last-mentioned shall repay so much money as he received for duties of the said salt, or rock salt, as is to be allowed for waste, as aforesaid; and if the duties thereof shall not then have been paid in money,

Allowances for salt carried coastwise.

This clause explained by 6 Ann. c. 12. s. 1.

12 months allowed for payment of duties on rock salt.

ney, then the said officer shall discount the said allowance for waste on the said security.

9 months on other English salt.

V. And it is hereby enacted, That in all cases where, by the former laws relating to the duties on salt, the time for payment of the duties on rock salt is appointed to be nine months, there shall be twelve months time allowed, instead of the said nine months; and where the time for payment of the duties on other *English* salt is by the said former laws appointed to six months, there shall be nine months time allowed instead of the said six months; and the securities and discounts for prompt payment, after the said first day of *May* next, shall be regulated accordingly.

Allowances for white herrings exported.

VI. And be it further enacted by the authority aforesaid, That for all white herrings, which shall, from and after the said first day of *May*, one thousand seven hundred and seven, be exported from any port or place in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, to parts beyond the seas, by any person or persons whatsoever, there shall be the like allowances as are to be made upon the exportation of white herrings from *Scotland*, to be paid by the officer appointed to collect the duties upon salt in the same port from whence any such herrings shall be exported, within thirty days after a demand thereof, on a debenture to be prepared by the collector of the customs where such herrings shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of herrings actually shipped, and that the same were well cured, and merchantable, and full packed, and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and impowered to give the said oath, That the herrings in such debenture mentioned were cured with salt, for which the duties had been paid, and not drawn back, and that the same is really exported to parts beyond the seas, and not relanded or intended to be relanded in *England*, *Wales*, or *Berwick* upon *Tweed*; for which debenture no fee or reward shall be taken; and in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*) the principal commissioners for managing her Majesty's revenue of excise upon salt for the time being, shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the duties upon salt; and that it shall and may be lawful for the officers of the said duties on salt, in the several and respective ports of the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, upon the exportation of any herrings, as aforesaid, and before the same shall be laid on board for exportation, to mark any cask, barrel, or other vessel, wherein any such herrings shall be exported, to the intent it may be known that such herrings have been exported, and allowances obtained

Further provision relating hereto, 6 Ann. c. 12. § 3.

Exported and relanded, forfeited, and 10s. per barrel.

obtained on exportation thereof, in caſe the ſame, or any part thereof, ſhall be relanded and reimported.

VII. And be it further enacted by the authority aforeſaid, That in caſe any ſuch herrings ſhall, after the ſame ſhall be exported, be relanded or reimported, all the ſaid herrings ſo relanded or reimported ſhall be forfeited and loſt, and twenty ſhillings *per* barrel for every barrel thereof, and ſo in proportion for a greater or leſſer quantity, to be recovered of the importer or proprietor thereof. Allowances for ſalted beef or pork exported, &c.

VIII. And be it enacted by the authority aforeſaid, That for every barrel of ſalted beef or pork, which ſhall be exported for ſale from any port of this kingdom, dominion of *Wales*, or town of *Berwick* upon *Tweed*, to parts beyond the ſeas, after the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, by any perſon or perſons whatſoever, there ſhall be for each barrel the like allowances as are to be allowed upon exportation of ſuch beef and pork exported from *Scotland*, which allowance ſhall be paid by the officer appointed to collect the duties upon ſalt, in the ſame port from whence any ſuch beef or pork ſhall be exported, within thirty days after demand thereof, on a debenture to be prepared by the collector of the cuſtoms where ſuch beef or pork ſhall be entred out for exportation; and verified by the perſon executing the office of ſearcher in ſuch port, as to the quantity of beef and pork actually ſhipped for ſale, and that the ſame is good and merchantable, and that the oath of the exporter or agent be firſt taken before the principal officers of the ſaid port, before the debenture be allowed, who are hereby required and impowered to give the ſaid oath, That the beef or pork in ſuch debenture mentioned, was ſalted with ſalt for which the duties had been paid, and not drawn back, and that the ſame is really exported to parts beyond the ſeas for ſale, and that any part thereof was not ſpent, or intended to be ſpent for the ſhip's uſe, and was not relanded, or intended to be relanded; for which debenture no fee or reward ſhall be taken: and in caſe the officer hereby directed to pay ſuch debenture, ſhall not have ſufficient money in his hands to pay the ſame, then upon certificate thereof by him made, (which certificate he is hereby required to give the party *gratis*) the principal commiſſioners for managing her Majeſty's revenues of exciſe upon ſalt for the time being, ſhall be chargeable with the ſaid payment, to be made in courſe out of the firſt money in their hands ariſing out of the duties upon ſalt: and that it ſhall and may be lawful for the officers for the ſaid duties on ſalt, in the ſeveral and reſpective ports of the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, upon the exportation of any beef or pork, and before the ſame ſhall be laid on board for exportation, to mark any caſk, barrel, or other veſſel wherein any ſuch beef or pork ſhall be exported, to the intent it may be known that ſuch beef or pork has been exported, and allowances obtained on exportation thereof, in caſe the ſame, or any part thereof, ſhall be relanded or reimported. 1 s. 6 d. to be paid per barrel. 3 Geo. 2. c. 20. ſ. 16. *Revived by* 5 Geo. 2. c. 6.

Exported and relanded, forfeited, and 40 s. per barrel.

IX. And be it further enacted by the authority aforesaid, That in case any beef or pork shall, after the same shall be exported, be relanded or reimported, all the said beef or pork so relanded or reimported shall be forfeited and lost, and forty shillings *per* barrel for every barrel thereof, and so in proportion for a greater or lesser quantity, to be recovered of the importer or proprietor thereof.

Allowances for oatmeal and beer *alias* bigg, exported, &c.

X. *And whereas by the aforesaid articles of union, it is provided, That from and after the union there shall be certain allowances for all oatmeal, and grain called beer, exported from* Scotland, be it enacted by the authority aforesaid, That for all oatmeal, and grain called beer *alias* bigg, which from and after the said first day of *May*, one thousand seven hundred and seven, shall be exported from any port of this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, to parts beyond the seas, by any merchant, or other person or persons whatsoever, there shall be the like *præmium* given upon the exportation thereof, as is to be given upon exportation of oatmeal and beer from *Scotland*; such merchant or other person first bringing a certificate in writing under his or their hands, containing the quantity of such oatmeal, or beer *alias* bigg, so shipped, to the collector or other person appointed, or to be appointed for the time being, to collect the duties or rates arising by customs within any such port, and making proof of such certificate by one or more credible person or persons upon their oaths, (which oaths the said collector, or other person, is hereby authorized and required to administer) and giving bond in the sum of ten pounds at least for every ton of oatmeal so shipped, consisting of twenty hundred weight, and for every forty bushels of beer *alias* bigg, so shipped, and so proportionably for a greater or lesser quantity, That the same shall be so exported to parts beyond the seas, and not be relanded; which *præmium* every merchant, or other person so shipping off any such oatmeal, or beer *alias* bigg, and giving certificate and bond, as aforesaid, shall have and receive from such collector, or other person, as aforesaid, in any port respectively where the same shall be so shipped, out of her Majesty's revenue of the customs, and upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *English* merchants upon the place, that such oatmeal, or beer *alias* bigg, was there landed, or upon proof by credible persons that such oatmeal, or beer *alias* bigg, was taken by enemies, or perished in the seas; which proof being made, or certificate delivered to the collector, or other person, who took bond, as aforesaid, the said bond shall be delivered up to such merchant, or other person, or his order, to be cancelled, without any fee for the same.

Penalties, &c. how distributed.

XI. And be it enacted by the authority aforesaid, That all penalties and forfeitures given by this or any former law relating to the duties of excise upon salt, shall be distributed in manner following; (that is say) one moiety thereof to the Queen, her

her heirs and ſucceſſors, and the other moiety thereof to the officer or officers who ſhall ſeize, ſue, or inform for the ſame, to be recovered by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at *Weſtminſter*.

Perſons having exported ſalt to Ireland, entitled to a drawback.

XII. And be it enacted by the authority aforeſaid, and it is hereby declared, That all and every perſon and perſons, who have exported any ſalt, or rock ſalt, out of the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and landed the ſame in the kingdom of *Ireland*, although the ſame was entred in *England*, on the exportation thereof, for other foreign parts, and afterwards landed in *Ireland*, ſuch perſon or perſons having ſo landed the ſame in *Ireland*, ſhall be entitled to a debenture or drawback of the ſaid duty of ſuch ſalt, notwithſtanding the ſame was entred for other foreign parts: and all ſuits or proſecutions commenced, or to be commenced againſt any perſon or perſons having exported ſuch ſalt or rock ſalt for foreign parts, and landed the ſame, as aforeſaid, ſhall ceaſe and determine.

But not henceforth, unleſs entry at exportation be made for ſome port in Ireland.

XIII. Provided always, and be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, there ſhall be no debenture made out or drawback allowed for any ſalt or rock ſalt landed in *Ireland* after the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, unleſs the entry of the ſame ſalt at exportation, be made for ſome port in the kingdom of *Ireland*.

Allowances for waſte.

XIV. *And whereas white ſalt and rock ſalt in the exportation from* England *to* Ireland, *are liable to waſte*, be it therefore enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, upon producing ſuch a certificate as is by law required, from the collector and proper officers of the port or place in *Ireland*, of the quantity of what white ſalt and rock ſalt was there landed, the exporter or proprietor of ſuch white ſalt and rock ſalt ſhall have an allowance of four buſhels for every forty buſhels of white ſalt, and of two for every forty buſhels of rock ſalt put on board in *England* in order to be exported to *Ireland*, in conſideration of the ordinary waſte in the carriage thereof; and a debenture or debentures ſhall be iſſued out *gratis* accordingly, by the collector or proper officer of the port or place in *England*, from whence ſuch white ſalt or rock ſalt was exported, and the ſame ſhall be allowed or paid to the exporter or proprietor, in like manner as debentures are or ſhall be payable for ſalt exported.

1 W. & M. ſeſſ. 1. c. 12.

XV. *And whereas by an act of parliament made in the firſt year of the reign of the late King* William *and Queen* Mary *of bleſſed memory, intituled,* An act for the encouraging the exportation of corn, *it was amongſt other things thereby enacted, That every ſuch merchant by the ſaid act deſcribed, ſhipping any malt or barley, rye, or wheat, and giving certificate and bond as the ſaid act directs, ſhall have and receive from the farmers, commiſſioners, collectors, or other perſons appointed or to be appointed for the time being, to collect the duties and rates ariſing by cuſtoms, within any ſuch port where the*

ſaid corn ſhall be ſhipped off, for every quarter of barley or malt, ground or unground, two ſhillings and ſix pence; for every quarter of rye, ground or unground, three ſhillings and ſix pence; for every quarter of wheat, ground or unground, five ſhillings: and whereas ſince the making of the ſaid act there have been divers quantities of malt made of wheat, ſome part whereof have been exported, and ſome doubts have ariſen touching the bounty-money to be paid upon the exportation thereof, to the diſcouragement of the exportation of corn: and for clearing thereof, and for preventing future diſputes touching the ſame; be it enacted by the authority aforeſaid,

Exporters of malt to have 5 s. per quarter bounty-money.

That every merchant or other perſon exporting malt made of wheat, from and after the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, ſhall have and receive of the ſaid farmers, commiſſioners or perſons aforeſaid, five ſhillings for every quarter of malt made of wheat, or wheat malt, ground or unground, to be paid by the reſpective perſons in the ſaid recited act mentioned.

No exporters of rock ſalt, &c. to have any greater allowance, &c. on exportation than what was before paid for duty, &c. 10 & 11 W. 3. c. 28. 1 Ann. ſtat. 1. c. 21. 2 & 3 Ann. c. 14. 4 Ann. c. 12.

XVI. *And whereas by the ſeveral acts of parliament for laying duties on rock ſalt, and ſalt refined from rock ſalt, the exporters of the ſame draw back more money from the ſalt revenue than they pay to her Majeſty*; for prevention thereof, be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, no perſon or perſons who ſhall export rock ſalt, or ſalt refined from rock ſalt, ſhall have any other or greater allowance on prompt payment and exportation of the ſame, by way of debenture, than what really and *bona fide* was before paid for the duty of the ſaid ſalt; and that no perſon giving bond and ſecurity for the ſaid duty, payable within the time limited by law, and paying the ſame in twenty eight days after giving the ſaid ſecurity, ſhall be entitled, on exportation from *England*, *Wales*, or *Berwick*, to any other advantage than to ſuch a debenture as ſhall diſcharge the bond and ſecurity only given for the payment of the ſaid duty.

Importers of foreign ſalt chargeable with the duties for the full quantity cellared, &c.

XVII. *And whereas foreign ſalt imported is allowed to be cellared, or put into warehouſes, and the duties thereof are to be paid or ſecured upon delivery, as in this act is mentioned*; be it enacted by the authority aforeſaid, That all merchants and other perſons importing ſuch foreign ſalt, from and after the firſt day of *May*, one thouſand ſeven hundred and ſeven, ſhall be, and are hereby charged with the duties for the full quantity of ſalt ſo cellared, or put into warehouſes; and if upon clearing any cellar or warehouſe, in which the ſaid ſalt was locked up, there be any want of the ſaid quantity, the importer or importers of the ſaid ſalt ſo wanting ſhall be anſwerable for the ſame; any thing herein contained to the contrary notwithſtanding.

4 Ann. c. 6. ſ. 35.

XVIII. *And whereas by a clauſe in an act paſſed in the laſt ſeſſion of this preſent parliament, intituled*, An act for continuing an additional ſubſidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of exciſe, and for ſettling and eſtabliſhing a fund thereby, and by other ways and means, for payment of annuities to be ſold for raiſing

raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſix, and other uſes therein mentioned, *all intereſt on bonds entred into, and due and payable before the ſixth day of* February, *one thouſand ſeven hundred and five, by merchants and others, for the cuſtoms, additional duties, impoſitions, and other duties on goods and merchandizes imported into the kingdom of* England, *was thereby diſcharged, provided the principal ſums ſecured by ſuch bonds were paid before the firſt day of* June, *one thouſand ſeven hundred and ſix; and whereas ſeveral merchants and others of the city of* Briſtol *had, before the ſaid firſt day of* June, *one thouſand ſeven hundred and ſix, paid ſeveral ſums of money, amounting in the whole to the ſum of three thouſand eighty eight pounds, eight ſhillings, in to the collector of the cuſtoms of the ports there, for the intereſt of ſeveral principal ſums of money, upon ſeveral bonds by them given for cuſtoms, and other duties of goods and merchandize by them imported into the ſaid port of* Briſtol, *which principal monies they had alſo before that time paid, and which principal monies and intereſt have been ſince applied to the uſe of the publick; and it is equally juſt that thoſe monies ſo paid for intereſt ſhould be allowed back to the ſaid perſons, as the other intereſt ſhould be forgiven to the ſaid perſons, purſuant to the ſaid before-mentioned clauſe;* be it therefore further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord high treaſurer, or commiſſioners of the treaſury for the time being, or any three or more of them, to direct the collector of the cuſtoms of the ſaid port of *Briſtol* for the time being, out of the monies which ſhall be at the time of ſuch direction in the hands of ſuch collector, upon account of cuſtoms, additional duties, impoſitions, and other duties on goods and merchandizes reſpectively, imported there, or which ſhall from thence next after come into his hands upon that account, and ſuch collector is hereby authorized and required accordingly to refund and repay to the ſaid ſeveral merchants and others, (who paid in the ſaid three thouſand eighty eight pounds, eight ſhillings) their executors, adminiſtrators, and aſſigns, the ſum and ſums of money ſo paid in by all and every ſuch merchants, or others; and that thereupon, and upon the ſaid collector's producing receipts and acquittances for ſuch ſum and ſums, ſuch collector ſhall be allowed the ſame upon his account, as if the ſame had been by him paid upon account of drawbacks for goods exported; any law or cuſtom to the contrary notwithſtanding.

Merchants of Briſtol, who paid 3088 l. 8 s. for intereſt on bonds given for cuſtoms, &c.

Lord treaſurer to direct collector of cuſtoms of Briſtol, to repay the ſame, &c.

CAP. XXX.

An act for the better ſecuring her Majeſty's purchaſe of Cotton Houſe *in* Weſtminſter.

WHEREAS *Sir* John Cotton, *late of* Weſtminſter *in the county of* Middleſex, *baronet, was in the twelfth year of the reign of King* William *the Third, of glorious memory, ſeized for the term of his life, with remainder to* John Cotton *the grandſon, (now Sir* John Cotton, *baronet) and the heirs male of his body, with other remainders, of and in the capital meſſuage called* Cotton

House, *and the gardens and buildings used and enjoyed with the same being in the parish of St.* Margaret's, Westminster, *in the county of* Middlesex; *and being so seized, in the said twelfth year of the reign of the said late King* William, *at the request of the said Sir* John Cotton *the grandfather, in the absence of the said Sir* John Cotton *the grandson beyond the seas, an act of parliament, intituled,*

Act for settling Cotton House and library. 12 & 13 W. 3. c. 7.

An act for the better settling and preserving the library kept in the house at *Westminster*, called *Cotton House*, in the name and family of the *Cottons*, for the benefit of the publick, *was made, thereby reciting, That Sir* Robert Cotton, *late of* Connington *in the county of* Huntingdon, *baronet, did, at his own great charge and expence, and by the assistance of the most learned antiquaries of his time, collect and purchase the most useful manuscripts, written books, papers, parchments, records, and other memorials, in most languages, of great use and service for the knowledge and preservation of our constitution both in church and state; which manuscripts and other writings were procured, as well from parts beyond the seas, as from several private collectors of such antiquities within this realm, and are generally esteemed the best collection of its kind now any where extant; and that the said library had been preserved and very much augmented by the late Sir* Thomas Cotton, *son of the said Sir* Robert, *and by the said Sir* John Cotton, *and was lodged in the said Sir* John's *ancient mansion house at* Westminster; *and that the said Sir* John, *in pursuance of the desires and intentions of his said father and grandfather, was content and willing that the said mansion house and library should continue in his family and name, and not be sold or otherwise disposed or imbezilled, and that the said library should be kept and preserved by the name of the* Cottonian Library, *for publick use and advantage, it is enacted, That from and after the death of the said Sir* John Cotton *the grandfather, the said mansion house, with the gardens and all other appurtenances, and also all the said library or collection of manuscripts, written books, papers, parchments, records, and other memorials mentioned and named in a schedule then and now remaining in the said library, together with all coins, medals, and other rarities and curiosities in the said library then and now contained, be settled, limited, and vested in the trustees therein after named, to have, hold, and enjoy, to them and their successors for ever, to the uses, intents, and purposes therein mentioned (that is to say) as for the said house, gardens, and appurtenances, other than the room where the said library then was, or then after might be lodged, and a convenient way, passage, and resort to the same, at the will and discretion of the heirs of the family, and the library therein after-mentioned, to the only proper use and behoof of the said now Sir* John Cotton *the grandson and heir of the late Sir* John Cotton, *and after his decease, to the first and every the son and sons of his body to be begotten, and the heirs male of the body of such son or sons issuing successively, with other remainders as therein are particularly mentioned, remainder to the right heirs of the said Sir* John Cotton *(now living) grandson and heir of the said late Sir* John Cotton, *for ever; and as for and concerning the said library and room wherein the same then was, or should be contained, together with a convenient passage*

for

for reforting thereunto, upon this truſt and confidence, that the ſaid truſtees and their ſucceſſors ſhould and would, from time to time, and at all times hereafter, as occaſion ſhould require, inſpect, conſult, and take care of the ſaid library, and other particulars above-mentioned, and alſo make and appoint ſuch orders and rules as they ſhall think proper for the reading and uſing the ſame, and for their better preſervation; and to the intent or purpoſe that the ſaid truſtees, or the major part of them, ſhould nominate and appoint a good and ſufficient perſon, well read in antiquities and records, to have the immediate care and cuſtody of the ſaid library. And it is thereby further enacted, That the ſaid houſe, with the appurtenances, and the library, and other particulars aforeſaid, ſhould never be ſubject or liable to any judgments, ſtatutes, recognizances, or any other incumbrances, nor ſhould ever be ſold or aliened, forfeited, or forfeitable, upon any account or pretence whatſoever; and further that the lord chancellor or lord keeper for the time being, the honourable Robert Harley, *eſquire, then ſpeaker of the houſe of commons, the honourable the ſpeaker of the houſe of commons for the time being, the lord chief juſtice of the* King's Bench *for the time being, Sir* Robert Cotton *of* Hatley St. George *in the county of* Cambridge, *Knight,* Philip Cotton *of* Connington *in the ſaid county eſquire,* Robert Cotton *of* Giddin *in the county of* Huntington, *eſquire, and* William Hanbury, *of the* Inner Temple, London, *eſquire, ſhall be the truſtees, to and for the purpoſes aforeſaid; and in caſe of the deceaſe of any of the aforeſaid laſt recited four perſons, the ſaid Sir* John Cotton *the grandſon, or other heir male of the ſaid family, who ſhould be in poſſeſſion, or entitled to the poſſeſſion of the manſion houſe, by virtue of the limitations therein recited, ſhould nominate and appoint one or more fit perſons to ſucceed him or them, and ſupply the place of him or them ſo dying. And whereas ſince the making of the ſaid act very little hath been done in purſuance thereof, to make the ſaid library uſeful to the publick, except what has been lately done at her Majeſty's charge, and there is no way or paſſage to it ſet out as the act did direct, nor can there be any paſſage to the ſame but through the beſt rooms of the houſe, which would render the houſe wholly uſeleſs to the family, ſo that the library cannot be reſorted unto; nor have any orders or rules been appointed for reading or uſing the ſame, and thereby the publick is wholly deprived of the benefit and advantage deſigned by the act; and the place wherein the library was then contained, was a narrow little room, damp, and improper for preſerving the books and papers; and the condition thereof having been humbly repreſented to the Queen's moſt excellent majeſty, her Majeſty, to the intent ſo great a treaſure of books and manuſcripts, ſo generouſly given for the publick ſervice, might not remain any longer uſeleſs, and in danger of periſhing for want of due care; and that it may be in her Majeſty's power to make this moſt valuable collection uſeful to her own ſubjects, and to all learned ſtrangers, did give directions for treating with the ſaid Sir* John Cotton *for the purchaſe of the ſaid* Cotton Houſe *and gardens, and an agreement has been made for the purchaſing the inheritance thereof, for the ſum of four thouſand five hundred pounds, which her Majeſty hath* 4500l.

Truſtees for managing the library.

Cotton houſe purchaſed by the Queen for

hath directed to be paid on the inveſting the inheritance of the premiſſes in her Majeſty, her heirs and ſucceſſors, which cannot be done but by act of parliament, the ſaid recited act having directed it may not be ſold or aliened: may it therefore pleaſe your moſt excellent Majeſty, at the humble ſuit and petition of the ſaid Sir *John Cotton* the grandſon, that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That the ſaid capital meſſuage, called *Cotton Houſe*, and the gardens and buildings uſed and enjoyed with the ſame, with their appurtenances, ſhall be, and are hereby veſted in her Majeſty, her heirs and ſucceſſors; and her Majeſty, her heirs and ſucceſſors, ſhall for ever have, hold, and enjoy the ſame, againſt the ſaid Sir *John Cotton* the grandſon, and againſt all and every the ſons of the ſaid Sir *John Cotton*, to be begotten, and the heirs male of the bodies of ſuch ſon or ſons, and againſt all and every other perſon and perſons claiming or to claim by virtue of any of the uſes or limitations contained in the ſaid recited act, and againſt the heirs of the bodies of Sir *Thomas Cotton*, and dame *Alice* his wife, both deceaſed, and againſt the right heirs of the ſaid Sir *Thomas Cotton*, and againſt all and every perſon and perſons claiming or to claim, by, from, or under the ſaid Sir *John Cotton* deceaſed, and freed and diſcharged of and from their reſpective titles and eſtate.

Coton Houſe and gardens, &c. veſted in the Queen, her heirs, &c.

II. And it is hereby further enacted and declared, That a convenient room ſhall be built on or near part of the ſaid ground, hereby intended to be veſted in her Majeſty, as her Majeſty, her heirs and ſucceſſors, ſhall by writing under the ſign manual appoint; in which room, when built, all the ſaid manuſcripts, written books, papers, parchments, records, and other memorials, as alſo all coins, medals, and other rarities and curioſities in the ſaid library contained, ſhall be lodged, and there remain to all poſterity; and the ſaid room, when built, ſhall for ever be called and known by the name of the *Cottonian Library*; and from the building thereof, the ſaid library ſhall be managed and directed by the lord chancellor or lord keeper of the great ſeal of *England* for the time being, the honourable *Robert Harley*, Eſq; principal ſecretary of ſtate, the honourable the ſpeaker of the houſe of commons for the time being, the lord chief juſtice of the *Queen's Bench* for the time being, Sir *Robert Cotton* of *Hatley St. George* in the county of *Cambridge*, Knt. *Philip Cotton* of *Connington* in the ſaid county, Eſq; *Robert Cotton* of *Giddin* in the county of *Huntington*, Eſq; and *William Hanbury* of the *Inner Temple London*, Eſq; and their ſucceſſors, as truſtees to and for the uſe of the publick for ever; and in caſe any of the ſaid recited four perſons ſhould happen to die, the ſaid Sir *John Cotton*, or other heir male of his family for the time being, ſhall nominate and appoint one or more fit perſon or perſons for the time being, to ſucceed him or them, and to ſupply the place of him

A convenient room to be built for the library,

and to be called the Cottonian library.

Truſtees appointed.

or

or them to dying, and so *toties quoties*, as any of the said last four trustees, or others succeeding them shall happen to die.

III. And be it enacted by the authority aforesaid, That all the said manuscripts, written books, papers, parchments, records, and other memorials, as also all coins, medals, rarities, and curiosities in the said library, hereby intended to be lodged in the said room when rebuilt, shall be under the same regulations, directions, and management of the said trustees, to all intents and purposes, as the present library and every thing therein contained, now is by the said recited act liable and subject to; and a fit person for library keeper, shall be appointed by the said trustees from time to time as they or the major part of them, shall think fit; and the said library, and library keeper, shall be in every respect under the same directions and government as the present library and library keeper by the said recited act are subject to, except where the same is herein particularly altered. library to be under the same regulations as at present.

IV. Saving to all and every person and persons, bodies politick and corporate, their heirs and successors (other than and except the said Sir *John Cotton* the grandson, and his son and sons, begotten or to be begotten, and the heirs males of the bodies of such son and sons, and other than the person and persons claiming or to claim by virtue of, or under any of the uses or limitations contained in the said recited act, and other than the heirs of the bodies of Sir *Thomas Cotton* and dame *Alice* his wife, and other than the right heirs of the said Sir *Thomas Cotton*, and other than the person and persons claiming or to claim, by, from, or under the said Sir *Thomas Cotton* deceased) all such right, title, estate, interest, or demand, into or out of the said premisses hereby vested in her Majesty as aforesaid, as they or any of them had or might enjoy if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding. Saving of right to all persons, &c. Exception.

V. And to the intent that an equivalent in lieu of the said house, called *Cotton House*, gardens and buildings, hereby vested in her Majesty, may be settled to the same uses the said house gardens and buildings were settled and limited by the said recited act of parliament; be it further enacted by the authority aforesaid, That the said Sir *John Cotton*, or his heirs, shall before or at the time of receiving the said four thousand five hundred pounds from her Majesty by good and sufficient conveyances and assurances in the law, convey and assure lands, tenements, and hereditaments of inheritance in the counties of *Huntingdon* or *Bedford*, or one of them, part of the present estate of the said Sir *John Cotton*, of the clear annual value of three hundred pounds beyond ordinary reprizes, free from all incumbrances, to the use of him the said Sir *John Cotton*, for and during the term of his natural life, and after his decease, to the use of the first, and every other son and sons of the body of the said Sir *John Cotton*, to be begotten, and the heirs males of the body of such son or sons issuing successively; and for default of such issue, Sir John Cotton to settle 300l. per annum in lieu of Cotton House. To the use of himself, &c.

issue, to the use of *Thomas Cotton*, brother of the said Sir *John Cotton*, for the term of his natural life; and after his decease, to the use of the first and every other son and sons of the body of the said *Thomas* to be begotten successively, and to the heirs males of the body of such son and sons; and for default of such issue, to the use of *Robert Cotton* of *Giddin* in the county of *Huntingdon*, Esq; uncle of the said Sir *John Cotton*, for the term of his natural life; and after his decease, to the use of *John Cotton*, son of the said *Robert Cotton*, for his natural life; and after his decease, to the use of the first and every other son and sons of the said *John Cotton* to be begotten successively, and the heirs males of their bodies issuing; and for default of such issue, to the use of all and every other the son and sons of the body of the said *Robert* to be begotten, and the heirs males of the bodies of such son or sons successively; and for default of such issue, to the use of Sir *Robert Cotton* of *Hatley St. George* in the county of *Cambridge*, knight, for his natural life; and after his decease, to the use of the first and every other son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of *Philip Cotton* of *Conington* in the county of *Cambridge*, esq; for his natural life; and after his decease, to the use of the first and every other son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of *Thomas Cotton* of *Cotton* in the county palatine of *Chester*, esq; for the term of his natural life; and after his decease, to the use of the first and every other the son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of the right heirs of the said Sir *John Cotton* for ever.

Lands, &c. when settled not to be subject to future judgments, &c.

VI. And be it enacted by the authority aforesaid, That the said lands, tenements, and hereditaments, when settled as aforesaid, shall never be subject or liable to any future judgments, statutes, recognizances, or incumbrances, nor shall ever be sold or aliened, forfeited or forfeitable by the said Sir *John Cotton*, or any other of the said persons in remainder, upon any account or pretence whatsoever.

CAP. XXXI.

An act for the encouraging the discovery and apprehending of house-breakers.

I. WHEREAS *the crimes of burglary and breaking open houses in a felonious manner, are of late years become more frequent than formerly, to the great disquiet, terror, and impoverishing of many of your Majesty's good subjects; which crimes might be, in great measure, prevented, if due encouragement be given to such as shall vigorously endeavour the discovery and apprehending of such malefactors, and some severe punishment inflicted on such as shall receive or buy stolen goods, and harbour and protect the said offenders:* for remedy whereof, be it enacted by the Queen's most excel-

lent

lent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the tenth day of *May*, one thouſand ſeven hundred and ſeven, all and every perſon and perſons who ſhall apprehend and take any perſon or perſons guilty of burglary, or the felonious breaking and entring of any houſe in the day time, and proſecute him, her, or them ſo apprehended and taken, until he, ſhe, or they be convicted of ſuch burglary or felony, ſhall have and receive, over and above the rewards given by one act of parliament made at *Weſtminſter*, in the tenth and eleventh years of the reign of his late majeſty King *William* of glorious memory, intituled, *An act for the better apprehending, preventing, and puniſhing of felons that commit burglary, houſe-breaking, or robery in ſhops, warehouſes, coach houſes, or ſtables, or that ſteal horſes*, the ſum of forty pounds within one month after ſuch conviction, to be paid by the ſheriff or ſheriffs of the county where ſuch felony or burglary ſhall be made and done, without any fee for the ſame, to the perſon or perſons ſo taking, apprehending, and proſecuting the ſaid offenders, he and they rendring a certificate to the ſaid ſheriff or ſheriffs, under the hand or hands of the judges or juſtices before whom ſuch felon ſhall be convicted for ſuch burglary or felony, certifying the conviction of ſuch felon for the ſaid offence or offences, and in what pariſh the ſame was committed, and alſo that ſuch felon or felons was or were taken by the perſon or perſons claiming the ſaid reward; and in caſe any diſpute ſhall happen to ariſe between the perſons ſo apprehending any the ſaid felons, touching their right and title to the ſaid reward, That then the ſaid judge or juſtices ſo reſpectively certifying as aforeſaid, ſhall in and by their ſaid certificate direct and appoint the ſaid reward to be paid to and amongſt the parties claiming the ſame, in ſuch ſhare and proportions as to the ſaid judge or juſtices ſhall ſeem juſt and reaſonable; and if it ſhall happen that any ſuch ſheriff or ſheriffs ſhall die or be removed before the expiration of one month after ſuch conviction, and demand made of the ſaid reward (not being paid as aforeſaid) that then the next ſucceeding ſheriff or ſheriffs ſhall pay the ſame within one month after demand, and certificate brought as aforeſaid; and if default of payment of the ſaid ſum or ſums of money ſhall happen to be made by any ſheriff or ſheriffs, ſuch ſheriff or ſheriffs ſo making default ſhall forfeit to the perſon or perſons to whom ſuch money is due as aforeſaid, double the ſum or ſums of money he or they ought to have paid, to be recovered by him or them, or his or their executors or adminiſtrators, in any of her Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no eſſoin, protection, or wager of law ſhall be allowed, with treble coſts of ſuit, by him or them expended in the recovery of the ſame.

Apprehenders of burglars, &c. to have 40l. over and above the rewards by 10 & 11 W. 3. c. 23.

payable by ſheriff.

Juſtices in caſe of diſpute to direct in their certificate how reward ſhall be paid.

II. And be it further enacted, That in caſe any watchmen, or any other perſon or perſons ſhall happen to be killed by any ſuch

Watchmen or other kill'd in purſuit of

house-breaker, his executor, &c. entitled to the 40l. by 3 Geo. 1. c. 15. s. 4.

Sheriffs may apply to the treasury without charging this money in their accounts.

such burglar or house-breaker, endeavouring to apprehend, or in making pursuit after him or them, that then the executors or administrators, or such person or persons to whom the right of administration of the personal estate of such person so killed shall belong, upon certificate delivered under the hands and seals of the judge or justices of assize of the county where the fact was committed, or the two next justices of the peace, of such person or persons being so killed, which certificate the said judge or justices, upon sufficient proof before them made, are immediately required to give without fee or reward, shall receive the sum of forty pounds from the sheriff or sheriffs of the county where the said fact was done and committed; and upon failure of payment thereof by the said sheriff or sheriffs, double the sum of forty pounds to be recovered against them, with treble costs of suit, in manner and form as aforesaid.

Sheriffs to deduct monies so paid on their accounts.

III. And it is hereby further enacted, That all sheriffs, their executors, and administrators, upon producing such respective certificates, and the receipts for the money paid by them, in pursuance of this act, shall be allowed, and are hereby impowered to deduct, upon their accounts, all monies, other than double the sum and sums of money, and treble costs of suit, which they shall disburse as aforesaid; and that if upon account of any sheriff or sheriffs, there shall not be money sufficient in the hands of such sheriff or sheriffs to reimburse him or them such monies paid by him or them by virtue of this act, that then the sheriff or sheriffs having so paid the said monies, shall have the same repaid by the lord treasurer, or commissioners of her Majesty's treasury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

and be repaid by lord treasurer.

Felon, &c. discovering two or more felons, shall on conviction be entitled to reward.

IV. And be it further enacted, That if any person or persons, being out of prison, shall from and after the said tenth day of *May*, commit any burglary or felony as aforesaid, and afterwards discover two or more persons who already have, or hereafter shall commit any such burglaries or felonies, so as two or more of the persons discovered shall be convicted of such burglary or felony, any such discoverer shall himself have the like reward and allowance of forty pounds hereby *promised* to be paid to the person or persons who shall apprehend and convict house-breakers, and all other advantages given to such taker and prosecutor, and shall also be himself entitled to the gracious pardon of her Majesty, her heirs and successors, for all burglaries, robberies, and felonies (except murder and treason) by him committed at any time or times before such discovery made, which pardon shall be likewise a good bar to any appeal brought for such burglary, robbery or felony.

and be pardoned.

Buyers or receivers of stolen goods, &c. made accessaries, &c.

V. *And forasmuch as the said felons are much encouraged to commit such burglaries and felonies, because a great number of persons make it a trade to receive and buy of the said felons the goods so by them feloniously taken, and also do make it their business to harbour and conceal the said offenders after the said facts, knowing the said*

felonies

felonies and burglaries to have been by them committed; be it therefore enacted by the authority aforesaid, That if any person or persons shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour, or conceal any burglars, felons, or thieves, knowing them to be so, shall be taken and received as accessary or accessaries to the said felony or felonies; and being of either of the said offences legally convicted, by the testimony of one or more credible witnesses, shall suffer and incur the pains of death as a felon convict.

If principal felon cannot be taken, accessary to be tried as for a misdemeanor.

VI. Provided always, That if any such principal felon cannot be taken, so as to be prosecuted and convicted for any such offence, yet nevertheless it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any goods stolen, by any such principal felon, knowing the same to be stolen, as for a misdemeanor, to be punished by fine and imprisonment, or other such corporal punishment as the court shall think fit to inflict, although the principal felon be not before convict of the said felony, which shall exempt the offender from being punished as accessary, if such principal felon shall be afterwards taken and convicted.

Judges, &c. to settle the right and shares of persons to the certificate, &c.

VII. Provided always, and be it enacted by the authority aforesaid, That the judge or justices (before whom such felons and house-breakers shall be convicted, as aforesaid) shall determine and settle the right, rights, and shares of such respective persons, who by virtue of this act shall be entitled to the certificate herein directed to be given, and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered the said certificate without fee or reward to such person or persons entitled thereunto, before the end of such assizes or sessions wherein such conviction, as aforesaid, shall be had.

No sheriff of London or Middlesex to take of his under sheriff any gratuity for his place of under sheriff. Nor oblige him to be at any expence, &c. Exception.

VIII. *And whereas the offences mentioned in this act are generally committed in* London *and* Middlesex, *and the rewards hereby granted being to be paid by the under-sheriffs of the said counties, by reason whereof they will be obliged to disburse great sums of money*; be it therefore enacted by the authority aforesaid, That no sheriff of *London* and *Middlesex*, shall accept, demand, take, or receive of his or their under-sheriff, directly or indirectly, either by himself, or any person or persons in trust for him or them, any sum or sums of money, gratuity or present whatsoever, for the execution of the place of under-sheriff; nor in any manner oblige his or their under-sheriff by covenant, promise, or otherwise to be at any expence or charge in relation to the said place of under-sheriff, which ought and hath been usually paid and disbursed by the high-sheriff; except the rewards given by this or any other act for the apprehending highwaymen, clippers, coiners, and house-breakers, and the fees of passing such high-sheriffs accounts in the Exchequer, and such other disbursements as hath been heretofore customarily sustained by the under-sheriff.

CAP.

CAP. XXXII.

An act for the continuance of the laws for the punishment of vagrants, and for making such laws more effectual.

11 & 12 W. 3. c. 18.

WHEREAS *an act of parliament made in the eleventh and twelfth years of the late King* William, *intituled,* An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent, *was continued by one other act made in the first year of her present Majesty's reign, intituled,* An act for continuing former acts for the exporting leather, and for the safe of jurors, and for making more effectual an act relating to vagrants, *for the space of three years, from the expiration of the said first act made in the eleventh and twelfth years of King* William, *and from thence to the end of the next session of parliament, and no longer: And whereas the said acts have been found of good use for lessening the charge, and preventing the abuses and frauds in conveying of vagrants,* be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said several acts made in the eleventh and twelfth years of King *William*, and in the first year of her Majesty's reign, and every article, clause, matter, and thing in them, and each of them contained, relating to vagrants, shall from henceforth continue and be in full force, and be put in practice and execution, according to the true intent thereof, from the expiration of the said last-mentioned act, for the space of seven years, and from thence to the end of the next session of parliament, and no longer.

1 Annæ, stat. 2. c. 13.

Acts for punishment of vagrants, &c. continued for seven years. EXP.

II. *And for the better raising of what monies shall be found necessary to satisfy the allowances made to constables, and others, for their loss of time, and expences in passing of vagrants, in pursuance of the acts before-mentioned, in as much as the methods already provided for raising the same, have in many places been found impracticable;* be it further enacted by the authority aforesaid, That where the gaol and marshalsea money shall not be sufficient to satisfy and pay the said allowances, the justices of peace within the several limits of their commissions, shall in such case at any time or times hereafter, have full power and authority at their general or quarter sessions of the peace, to assess upon every town, parish, or place within their respective commissions, such sum and sums of money, as they in their discretion shall think reasonable for satisfaction of the allowances made to constables, and others, for their loss of time, and expences in passing of vagrants, and that the money so assessed shall be levied and collected according to the rules and methods prescribed by an act of parliament now in force, for the levying and collecting of money for the repair of county bridges; and that the monies so levied and collected shall be disposed of in such manner as the said justices, by their order at such sessions, shall in that behalf direct and appoint.

How allowances and expences in passing of vagrants shall be raised. *Altered by* 17 Geo. 2. c. 5. f. 16, &c.

22 H. 8. c. 5. 1 Annæ, stat. 2. c. 18.

III. And

III. And be it further enacted, That where there are two or more treasurers for one and the same county, riding, liberty, or division, the treasurers thereof shall be and are hereby obliged to give obedience to such order or orders as shall be made by the justices of the peace, in pursuance or by virtue of this act, at their first general quarter sessions, to be held quarterly for every county, riding, liberty, or division, for the discharge of all such sums as shall arise by or from the conveyance of vagrants through every such county, riding, liberty or division: provided, That all such charges be levied according to the customary rate of gaol or bridge money; and that no such order or orders shall take place or be effectual, till such time as the treasurer or treasurers to whom such order or orders shall come, have money in their hands sufficient for the payment thereof. Treasurers to obey justices orders. If they have money in their hands.

IV. *And whereas it is by experience found, That the constables rates have sometimes been very unjust and grievous to the inhabitants of their respective townships or constableries*; be it enacted by the authority aforesaid, That if any person or persons shall find him or themselves grieved by the demands for disbursements, which any the constables, headboroughs or tything-men throughout this realm shall charge upon, or require of the parishes or towns unto which they or any of them shall or do belong, or by any sess, tax, rate, or other act done by any of the said constables, headboroughs, or tythingmen, or other person whatsoever, which may any ways concern or relate to any of the aforesaid demands, it shall and may be lawful for such person and persons to appeal to the justices at their next general quarter sessions which shall be held for that county in which any such cause of complaint shall arise, as often as there shall be any occasion for complaint, which justices, or the greater number of them, shall take order therein, as to them shall seem meet, and the judgment of the justices of such county, as aforesaid, at their quarter sessions, shall conclude and bind all parties. Persons aggrieved may appeal to the sessions.

V. *And whereas some doubts and disputes have been made about the privilege and jurisdictions of liberties and towns corporate, that lie and are within several counties of this realm, wherein the justices of the peace, and chief magistrates of the said liberties and towns corporate, do keep separate or distinct quarter sessions of their own, and have separate treasurers for their said corporations and liberties, or such like publick stocks, whether all such liberties and towns corporate shall be taken and deemed as counties at large, for the several purposes and provisions mentioned in the acts intended to be continued by this act*: for the quieting and preventing all such doubts and disputes, be it further enacted by the authority aforesaid, That the justices of the peace, chief magistrates, treasurer, constables, and other officers residing in the said liberties and towns corporate, shall in the certifying and conveying of passengers, vagabond beggars, and other idle persons, and raising and paying of money, act in such liberties and towns corporate, as they were by the said acts impowered and directed to do in counties at large. How justices shall act in liberties and towns corporate.

CAP.

CAP. XXXIII.

An act for obliging John Rice to account for debentures granted to him in the last session of parliament.

CAP. XXXIV.

An act for continuing the laws therein mentioned, relating to the poor, and to the buying and selling of cattle in Smithfield, *and for suppressing of piracy.*

WHEREAS *the temporary laws following, which by experience have been found useful and beneficial, are expired or near expiring, therefore, for continuing the same,* be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for the better relief of the poor of this kingdom,* which was enacted to have continuance (except what related to the corporations therein mentioned, and thereby constituted) until the twenty ninth of *May*, one thousand six hundred and sixty five, and from thence to the end of the first session of the next parliament; which said act, by an act made in the first year of the reign of the late King *James* the Second (except what related to the corporations therein mentioned, and thereby constituted) was enacted to be in force from the first day of *May*, one thousand six hundred eighty five, and so to continue for the space of seven years, and from thence to the end of the next session of parliament; and by an act made in the third and fourth years of the reign of his late majesty King *William*, the said act (as to what therein related to the settlement of the poor) was enacted to be in force from the first day of *March*, one thousand six hundred ninety one; but no provision was thereby made for continuing divers other parts of the said act; which said act, for the better relief of the poor of this kingdom, as to all parts thereof not mentioned and continued in and by the said act made in the third and fourth years of the reign of their late Majesties (other than, and except what relates to the corporations mentioned in the said act for the better relief of the poor of this kingdom, and thereby constituted) was, by an act made in the fourth and fifth years of the reign of their late Majesties, continued for the space of seven years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the next session of parliament; which said act afterwards, by an act of the eleventh and twelfth years of King *William*, intituled, *An act for continuing several laws therein mentioned*, was continued for seven years, from the twenty ninth day of *September*, one thousand seven hundred, shall be in force from the five and twentieth day of *March*, one thousand seven hundred and seven (except what relates to the corporations therein mentioned,

13 & 14 Car. 2. c. 12. for relief of poor continued for 7 years.

1 Jac. 2. c. 17.

3 & 4 W. & M. c. 11.

4 & 5 W. 3. c. 24.

11 & 12 W. 3. c. 13.

Made perpetual 12 Annæ, stat. 1. c. 18.

tioned, and thereby conſtituted) for ſeven years, and from thence to the end of the next ſeſſions of parliament.

II. And be it further enacted by the authority aforeſaid, That ſo much of an act made in the twenty ſecond and twenty third years of King *Charles* the Second, intituled, *An act to prevent frauds in the buying and ſelling of cattle in* Smithfield *and elſewhere*, which relates to the preventing butchers within the cities of *London* and *Weſtminſter*, or ten miles thereof, to buy fat cattle, and ſell the ſame again to any other butcher, either alive or dead; as alſo ſo much as relates to the preventing fat cattle bought in *Smithfield* in one market to be ſold there again alive; which was expired, and was afterwards, by an act made in the firſt year of the reign of the late King *James* the Second, enacted to be in force from the four and twentieth day of *June*, one thouſand ſix hundred eighty five, for ſeven years, and from thence to the end of the next ſeſſion of parliament, with a proviſo, That the ſaid act ſhould not extend to ſaleſmen or factors employed by farmers or feeders; and the ſaid acts were after continued by an act made in the fourth and fifth years of King *William* and Queen *Mary* for ſeven years, from the thirteenth of *February*, one thouſand ſix hundred ninety two; and by another act made in the eleventh and twelfth years of King *William*, was continued for ſeven years, from the twenty ninth day of *September*, one thouſand ſeven hundred, ſhall be continued, with all the clauſes and proviſoes therein mentioned (except one clauſe which was afterwards repealed by an act made in the twenty fifth year of the reign of King *Charles* the Second, intituled, *An act for repeal of a clauſe in a former act to prohibit ſaleſmen from ſelling fat cattle*) for and during the ſpace of ſeven years, after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and ſeven: and whereas there is, notwithſtanding the proviſion of the aforeſaid act, a pernicious practice, now in uſe, for one butcher to buy a greater quantity of fat cattle or ſheep than he can vend, unleſs by ſelling them again to other butchers, which reduces the number of buyers in *Smithfield*, and may be a very great inconvenience both to the graziers and houſekeepers, by ſubjecting both the one and the other to ſuch price as they ſhall think fit to give or demand; be it therefore enacted by the authority aforeſaid, That from and after the twenty ninth day of *September*, one thouſand ſeven hundred and ſeven, no perſon uſing the trade of a butcher, ſhall ſell, or offer to ſale, in any market or elſewhere, either by himſelf or any ſervant or agent whatſoever, within the cities of *London* and *Weſtminſter*, or within ten miles thereof, to any perſon or perſons exerciſing or uſing the trade of a butcher, any fat cattle or ſheep, either alive or dead, upon pain to forfeit the value of the cattle, or of each ſheep ſo ſold or offered to ſale as aforeſaid; one moiety of which forfeiture ſhall be to the Queen's majeſty, her heirs and ſucceſſors, and the other moiety to him or them, that will ſue for the ſame in any of her Majeſty's courts of record, by action of debt, bill, plaint, or information, wherein

12 & 13 Car. 2. c. 19. to prevent frauds in buying and ſelling of cattle, continued for 7 years.

1 Jac. 2. c. 17.

4 & 5 W. & M. c. 24.

11 & 12 W. 3. c. 13.

Except one clauſe.

25 Car. 2. c. 4. EXP.

From 29 Sept. 1707. no butcher to ſell in any market within 10 miles of London to another butcher any fat cattle or ſheep, dead or alive, *by 7 Annæ, c. 6.*

One butcher may ſell to another dead calves, &c.

no essoin, protection, or wager of law shall be allowed, or any more than one imparlance.

11 & 12 W. 3. c. 7. for suppressing piracy, continued. *Made perpetual* 6 Geo. 1. c. 19. *Amended* 18 Geo. 2. c. 30.

III. And be it further enacted by the authority aforesaid, That an act made in the eleventh and twelfth years of King *William*, intituled, *An act for the more effectual suppressing of piracy*, which was to be in force for seven years, and from thence to the end of the next session of parliament, shall be and remain in full force for the space of seven years, and from thence to the end of the next sessions of parliament.

Full costs on recovery of penalty.

IV. And be it further enacted by the authority aforesaid, That upon recovery of any penalty or forfeiture imposed or given in and by this present act, full costs shall be allowed the plaintiff.

Anno Regni ANNÆ *Reginæ sexto.*

* *In the record is added*, and by adjournments continued till the fifth day of April in the seventh year of her Majesty's reign. EXP.

AT *the parliament begun and holden at* Westminster *the twenty third day of* October, Anno Dom. 1707, *in the sixth year of the reign of our sovereign lady* Anne, *by the grace of God, of* Great Britain, France, *and* Ireland, *Queen, defender of the faith*, &c. *

CAP. I.

An act for granting an aid to her Majesty, to be raised by a land tax in Great Britain, for the service of the year one thousand seven hundred and eight.

CAP. II.

An act for repealing and declaring the determination of two acts passed in the parliament of Scotland; *the one intituled*, An act for the security of the kingdom; *the other*, Act anent peace and war.

WHEREAS *by the third act of the second session of the last parliament held in* Scotland, *intituled*, Act for the security of the kingdom, *divers provisions were made for such purposes, and in such manner as is therein contained; and whereas in the first session of that parliament one other act passed, intituled*, Act anent peace and war; *which said last-mentioned act, and also the first herein before-mentioned act, or the greatest part thereof, are inconsistent with the terms of the articles of union, and upon the union became void*: to the end therefore that no doubt may remain touching the continuance of the said acts, or either of them, or any part thereof; may it please your most excellent majesty that it may be declared and enacted; and be it declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the herein before-mentioned acts, and each of them, and every part thereof,

Two Scotch acts repealed.

thereof, ſhall from henceforth be adjudged, deemed, and taken to ſtand and be abſolutely repealed, and to ceaſe and become void.

CAP. III.

An act for better ſecuring the duties of East India *goods.*

WHEREAS *by an act of parliament made in the ninth year of the reign of his late Majeſty King* William *the Third, of glorious memory, intituled,* An act for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds *per centum per annum*, and for ſettling the trade to the *Eaſt Indies*; *it was enacted, That no company, or particular perſon or perſons who ſhould have a right, in purſuance of the ſaid act, to trade to the* East Indies, *or other the parts within the limits of the ſaid act mentioned, ſhould be allowed to trade thither, until ſufficient ſecurity was firſt given (which the commiſſioners of the cuſtoms in* England, *or any three or more of them for the time being, were thereby authorized and required, to take, in the name and to the uſe of his ſaid late Majeſty, his heirs and ſucceſſors) That ſuch company or particular perſons ſhould cauſe all the goods, wares, merchandizes, and commodities, which at any time or times afterwards, during the continuance of the ſaid act, ſhould be laden by or for them, or any of them, or for their or any of their accounts, in any ſhip or ſhips whatſoever bound from the* East Indies, *or parts within the limits mentioned in the ſaid act, ſhould be brought (without breaking bulk) to ſome port of* England *or* Wales, *and there be unladen and put on land (the danger of the ſeas, enemies, pirates, reſtraints of princes and rulers, and barratry of ſeamen excepted:) and whereas the ſaid act, and the ſecurity to be given in purſuance thereof, have been by experience found not to be ſufficient to hinder and prevent the unlading or putting on ſhore in divers places and countries other than the kingdom of* England *or dominion of* Wales, *great quantities of goods brought from the* East Indies, *or ſome port or places within the limits mentioned in the ſaid recited act, to the great loſs of her Majeſty's cuſtoms, and the trade and navigation of this kingdom in general: and whereas ſome difficulties have ariſen touching the acceptance of the ſecurity directed by the ſaid act*; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſecurity to be hereafter given in purſuance of the ſaid act, ſhall be after the rate of two thouſand five hundred pounds for every hundred ton the ſhips or veſſels ſhall be reſpectively let for, that ſhall be ſent to the ſaid *Eaſt Indies*, or other parts within the limits in the ſaid act mentioned, and ſo proportionably for any leſſer part than an hundred tons; and that the *Engliſh* company trading to the *Eaſt Indies* ſhall for each ſhip or veſſel which ſhall be ſent out from *Great Britain*, and employed by them, or for their account, give ſecurity as aforeſaid, by their common ſeal; the condition whereof ſhall be in the form following, *viz.*

9 & 10 W. 3. c. 44.

2500 l. ſecurity to be given for every hundred ton that ſhip ſent to the East Indies ſhall be let for.

Company to give ſuch ſecurity.

Form of the condition.

WHEREAS *in purſuance of an act of parliament made in the ninth year of his late Majeſty's reign, intituled,* An act for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds *per centum per annum,* and for ſettling the trade to the *Eaſt Indies, the ſhip whereof captain is maſter, of the burthen of tons, is, under the regulation of the ſaid act, bound out upon a voyage to the* Eaſt Indies, *or other parts within the limits preſcribed by the ſaid act, with a cargo or loading of goods, upon account of the above bound* Engliſh *company trading to the* Eaſt Indies: *the condition of this obligation is ſuch, That if all the goods, wares, merchandizes, and commodities which ſhall at any time or times hereafter, during the continuance of this preſent intended voyage, be laden by or for the ſaid company, or any of them, or for their, or any of their accounts in the ſaid ſhip, from the ſaid* Eaſt Indies, *or parts aforeſaid, ſhall be, without breaking bulk, brought to ſome port of* Great Britain, *and there be unladen and put on land (the danger of the ſeas, enemies, pirates, conſtraint of princes and rulers, barratry of ſeamen, and neceſſary proviſions, ſtores and merchandizes for the people and garriſon of* St. Helena, *only for their own proper conſumption excepted) then this obligation ſhall be void, or elſe ſhall remain in full force, effect, and virtue.*

All goods ſhipt in India, &c. to be unladen in Great Britain, except neceſſaries for St. Helena. By 13 Geo. 1. c. 8. *delivering Negroes, as mentioned in the act, not to be deemed breaking bulk.*

II. And that beſides the ſeveral and reſpective ſecurities to be given by this or the ſaid former act againſt breaking bulk, all the goods, wares, merchandizes, and commodities which ſhall be loaden in the *Eaſt Indies*, or other the parts within the limits mentioned in the ſaid act, upon any ſhip or veſſel belonging to any of her Majeſty's ſubjects, with intent to be tranſported out of and from the ſaid *Eaſt Indies*, or other the parts within the limits aforeſaid, the ſame ſhall be brought to ſome port of *Great Britain*, and there ſhall be unladen and put on ſhore (neceſſary proviſions, ſtores, and merchandizes for the people and garriſon of *St. Helena*, for their own proper conſumption only, excepted) and except alſo where the breaking of bulk or landing of goods in breach of this or the ſaid former act ſhall happen to be by the danger of the ſeas, enemies, pirates, reſtraint of princes or rulers, or barratry of ſeamen, on pain of forfeiting all ſuch goods which contrary to this act ſhall be landed elſewhere than in ſome port of *Great Britain*, or the value thereof, to be recovered, one moiety thereof to her Majeſty, her heirs and ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall ſeize, inform, or ſue for the ſame in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law ſhall be allowed.

Penalty on landing elſewhere.

CAP. IV.

EXP. An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and eight.

CAP.

CAP. V.

An act for raiſing a further ſupply to her Majeſty for the ſervice of the year one thouſand ſeven hundred and eight, and other uſes, by ſale of annuities charged on a fund, not exceeding forty thouſand pounds per annum, *to ariſe by appropriating ſeveral ſurpluſſes, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the ſtamp duties, the one third ſubſidy, the duty on ſweets, and one of the branches of exciſe, and by making other proviſion in this act mentioned.*

MOST *gracious Sovereign, Whereas in and by an act of parliament made in* England *in the fourth year of your Majeſty's reign (intituled,* An act for continuing an additional ſubſidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of exciſe, and for ſettling and eſtabliſhing a fund thereby, and by other ways and means, for payment of annuities to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſix, and other uſes therein mentioned) *the additional ſubſidy of tonnage and poundage, and other duties (commonly called the one third ſubſidy) payable for and upon wines, goods, and merchandizes, which were thereby granted to your Majeſty for the term of ninety eight years, from the eighth day of* March, *one thouſand ſeven hundred and ſix; and the duties upon coals, culm, and cynders by the ſame act granted or continued from the fourteenth day of* May, *one thouſand ſeven hundred and eight, until the thirtieth day of* September, *one thouſand ſeven hundred and ten; and the particular rates and duties of exciſe thereby granted for the term of ninety five years, from the ſeventeenth day of* May, *one thouſand ſeven hundred and thirteen; and all the monies to ariſe by virtue of an act of the fifth year of the reign of their late majeſties King* William *and Queen* Mary, *of glorious memory, of or for the duties of exciſe thereby granted, after paying off, or reſerving ſufficient to pay off the lottery annuities therein mentioned, together with other monies mentioned in the ſaid act of the fourth year of your Majeſty's reign, are appropriated and made liable to the payment of certain annuities purchaſed thereupon, not exceeding one hundred eighty four thouſand two hundred forty two pounds and fourteen ſhillings* per annum, *for ninety nine years, from* Lady day *one thouſand ſeven hundred and ſix, payable at the receipt of the Exchequer; which ſubſidies, rates, duties, and other funds or proviſions charged by the ſaid act of the fourth year of your Majeſty's reign, with the annuities laſt mentioned, will by eſtimation produce annually a conſiderable ſum more than ſufficient to diſcharge all theſe annuities, and the neceſſary charges of paying and accounting for the ſame; and the overplus monies thereof are ſince enacted to be juſtly and duly computed at the feaſt of the annunciation of the bleſſed virgin* Mary, *in every year, or within ſix days after: and whereas by an act of parliament made in* England *in the fifth year of your Majeſty's reign, intituled,*

Preamble reciting the annuity act, 4 Annæ, c. 6. *Deficiencies on theſe annuities made good by* 10 Ann. c. 26. ſect. 119.

5 & 6 W. & M. c. 7.

4 Ann. c. 6.

Annuity act. 5 Ann. c. 19.

An act for continuing the duties on low wines, and ſpirits of the firſt extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on ſtampt vellum, parchment, and paper, and the late duties on ſweets, and the one third ſubſidy of tonnage and poundage, and for ſettling and eſtabliſhing a fund thereby, and by the application of certain overplus monies, and otherwiſe, for payment of annuities to be ſold, for raiſing a further ſupply to her Majeſty for the ſervice of the year one thouſand ſeven hundred and ſeven, and other uſes therein expreſſed, *certain duties upon low wines, and ſpirits of the firſt extraction, thereby granted and continued from the three and twentieth day of* June, *one thouſand ſeven hundred and ten, for the term of ninety ſix years from thence next enſuing, and certain duties payable by hawkers, pedlars, petty chapmen, and others therein deſcribed, and thereby continued for the like term of years; and ſuch of the duties upon ſtampt vellum, parchment, and paper as are therein mentioned, and thereby granted and continued for the term of ninety ſix years, to commence from the laſt day of* July, *one thouſand ſeven hundred and ten; and the duties upon ſweets thereby laid for the term of ninety nine years, commencing from the four and twentieth day of* March, *one thouſand ſeven hundred and ſix; and the additional ſubſidy of tonnage and poundage, and other duties upon wines, goods, and merchandizes, which are commonly called, as aforeſaid, the one third ſubſidy, by the ſame act granted, and continued for one whole year, commencing from the expiration of the ninety eight years granted therein by the ſaid former act; and all the overplus monies of the ſubſidies,* 4 Ann. c. 6. *rates, duties, and other funds contained in the ſaid act of the fourth year of your Majeſty's reign, after paying, or reſerving ſufficient to pay ſo much as ſhall be incurred or grown due upon the ſaid annuities by virtue of that act, at or before every feaſt of the annunciation of the bleſſed virgin* Mary *reſpectively, the neceſſary charges of paying and accounting for the ſame annuities purchaſed thereupon being excepted, are appropriated and made liable to the payment of certain annui-* 5 Ann. c. 19. *ties purchaſed upon the ſaid act of the fifth year of your Majeſty's reign, not exceeding in the whole the ſum of ſeventy two thouſand one hundred eighty ſeven pounds ten ſhillings* per annum, *for ninety nine years, from the five and twentieth day of* March, *one thouſand ſeven hundred and ſeven, payable at the ſaid receipt of the Exchequer; and for the better ſecuring the quarterly payments which ſhould grow due at or before* Michaelmas, *one thouſand ſeven hundred and ten, upon the ſaid annuities, not exceeding ſeventy two thouſand one hundred eighty ſeven pounds ten ſhillings* per annum, *divers other temporary proviſions are made in the ſaid act of the fifth year of your Majeſty's reign; and thereby it is alſo provided, That if at the end of any year of the ſaid term of ninety nine years, for which the ſaid annuities upon the ſaid act of the fifth year of your Majeſty's reign were to be purchaſed (the firſt computation to be made at* Lady day, *one thouſand ſeven hundred and eight, or within ſix days after) the monies ariſing at the Exchequer within ſuch year by the ſaid rates, duties, ſubſidies, overplus-monies, and other monies thereby appropriated for payment of the ſaid annuities, purſuant to that act, ſhall exceed all the monies then due*

due for or upon the ſame annuities, and all arrearages thereof, then or at any time or times before that time incurred, ſo that there ſhall be an exceſs or ſurplus remaining in the Exchequer, ſuch exceſs or ſurplus ſhall be diſpoſable from time to time for the publick uſe and ſervice, and not otherwiſe: and whereas by an act of parliament made in England *in the fourth year of the reign of their late majeſties King* William *and Queen* Mary, *of glorious memory, (intituled,* An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France) certain other rates and duties of exciſe upon beer, ale, and other liquors therein particularly expreſſed, were granted to their ſaid late Majeſties, their heirs and ſucceſſors, for the term of ninety nine years, from the five and twentieth day of* January, *one thouſand ſix hundred and ninety two, and are by that, and by ſeveral other acts relating thereunto, made liable to the payment of ſeveral annuities, with benefit of ſurvivorſhip and other annuities charged thereupon; which rates and duties of exciſe laſt-mentioned, do alſo produce annually a conſiderable ſum more than ſufficient to diſcharge all thoſe annuities ſo charged thereupon, and the neceſſary charges of paying and accounting for the ſame; and the overplus monies thereby ariſing have been and are to to be computed on the four and twentieth day of* June *yearly, and are comprehended amongſt the temporary proviſions made in the ſaid act of the fifth year of your Majeſty's reign, for better ſecuring the quarterly payments of the ſaid annuities, not exceeding ſeventy two thouſand one hundred eighty ſeven pounds ten ſhillings* per annum, *which ſhould grow due at or before the feaſt of St.* Michael *the archangel, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, from which time the overplus monies of the rates and duties of exciſe laſt-mentioned do belong to her Majeſty for the publick uſe and ſervice:* now we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, being deſirous to raiſe a ſum of money not exceeding ſix hundred and forty thouſand pounds, that is to ſay, a ſum not exceeding five hundred and forty thouſand pounds, part of the money neceſſary to be provided in this ſeſſion of parliament for your Majeſty's ſupply, and a ſum not exceeding one hundred thouſand pounds to be applied in ſuch manner as is herein after mentioned, towards making good the payment of the annuities to be purchaſed upon this act, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the feaſt of the annunciation of the bleſſed virgin *Mary*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight, for and during the full term of ninety nine years from thence next and immediately enſuing, the full ſum of forty thouſand pounds of lawful money of *Great Britain* by the year, or ſo much thereof as ſhall be

Annuity act. 4 & 5 W. & M. c. 3.

5 Ann. c. 19.

640000l. to be raiſed.

40000l. per annum to be applied to the

payment of annuities for 99 years from Lady day 1708.

be ſufficient for paying and diſcharging all the annuities to be purchaſed upon this preſent act, ſhall be ſet apart and appropriated, and the ſame is by this act appropriated for the payment and ſatisfaction of the ſaid annuities to be purchaſed on this act, in ſuch manner and form as are herein after preſcribed in that behalf.

To be charged upon the overplus monies of the annuities,

II. And for the better raiſing, ſecuring, and eſtabliſhing of the ſaid fund, it is hereby enacted by the authority aforeſaid, That the ſaid fund, or ſum not exceeding forty thouſand pounds *per annum*, ſhall be charged upon and payable out of all the overplus or ſurplus monies of the ſaid rates, duties, ſubſidies, and other funds ſettled for payment of the ſaid ſeveral annuities

4 Ann. c. 6. 5 Ann. c. 19.

purchaſed upon the ſaid ſeveral acts of the fourth and fifth years of her Majeſty's reign reſpectively, which ſhall from time to time remain, after ſatisfying, or reſerving in the Exchequer ſufficient to ſatisfy ſo much as ſhall be incurred, or grown due upon thoſe annuities, and every of them, and which, by the ſaid act of the fifth year of her Majeſty's reign, were left to be diſpoſed from

and the overplus of the exciſe act, 4 & 5 W. & M. c. 3.

time to time for the publick uſe and ſervice, as aforeſaid; and ſhall alſo be charged upon, and payable out of all the overplus monies which ſhall ariſe after the thirtieth day of *September*, one thouſand ſeven hundred and ten, of or for the ſaid rates and duties of exciſe granted in the ſaid fourth year of the reign of their ſaid late majeſties King *William* and Queen *Mary*, and which from time to time, during the then remainder of the ſaid term of ninety nine years therein granted, ſhall remain, after payment and ſatisfaction of all the annuities charged thereupon by the ſaid act of the fourth year of their ſaid late Majeſties reign, or by any other act or acts of parliament before this time made for charging any annuities whatſoever upon the rates and duties

Treaſury to compute the overplus,

of exciſe laſt-mentioned; and the treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, are hereby directed from time to time, during the continuance of the ſaid ſubſidies, rates, duties, and other funds ſettled by the ſaid ſeveral annuity acts of the fourth and fifth years of her Majeſty's reign, as aforeſaid, and every or any of them, to cauſe all the ſaid overplus monies of the ſame ſubſidies, rates, duties, and other funds contained in the ſaid ſeveral annuity acts of the ſaid fourth and fifth years of her Majeſty's reign, to be juſtly and duly computed at the feaſt of the annunciation of the bleſſed virgin *Mary* in every year, or within ſix days after; and during the continuance of the ſaid rates and duties of exciſe granted by the ſaid act of the fourth year of the reign of King *William* and Queen *Mary*, to cauſe all the ſaid overplus monies of the ſame rates and duties of exciſe to be juſtly and duly computed on the four and twentieth day of *June* yearly; and to cauſe all the overplus monies which ſhall appear

and apply it for making good this fund, &c.

upon ſuch ſeveral and reſpective computations as aforeſaid, from time to time, or ſo much thereof as ſhall be ſufficient, to be ſet apart, reſerved, and applied for and towards the making good the ſaid fund or ſum not exceeding forty thouſand pounds *per annum*,

annum, hereby intended and appointed to be ſettled and eſtabliſhed for the payment of all the annuities to be purchaſed on this act, without diverting or miſapplying any of the monies which by the ſaid former acts, or any of them, ought upon every ſuch computation to have been reſerved for payment of any the annuities formerly purchaſed, as aforeſaid, if this preſent act had not been made.

III. And for the better ſecuring the quarterly payments which ſhall grow due on or before *Michaelmas*, one thouſand ſeven hundred and ten, upon the annuities to be purchaſed in purſuance of this act, be it enacted by the authority aforeſaid, That the ſum of one hundred thouſand pounds, part of the contribution-monies to be raiſed by ſale of annuities upon this act, or ſo much thereof as ſhall be ſufficient to make good the ſaid yearly fund, not exceeding forty thouſand pounds *per annum* for the firſt two years and an half of the ſaid term of ninety nine years, ſhall and may be reſerved and applied for and towards the diſcharging the quarterly payments laſt-mentioned, to grow due at any time or times before the thirtieth day of *September*, one thouſand ſeven hundred and ten.

100,000l. reſerved to make good the quarterly payment till the 30 of Sept. 1710.

IV. And to the end there may be no failure in the payment of ſuch annuities or any of them, as ſhall be purchaſed upon this act at any time or times until the full expiration of the term of ninety nine years, for which the ſame are intended to be purchaſed, we your Majeſty's ſaid dutiful and loyal ſubjects the commons of *Great Britain* in parliament aſſembled, have chearfully and unanimouſly given and granted, and do by this act give and grant to your Majeſty the duties upon low wines, or ſpirits of the firſt extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the duties upon vellum, parchment, and paper, and the additional ſubſidy of tonnage and poundage, and the duty upon ſweets, and the particular rates and duties upon exciſe hereafter in this act expreſſed, for and during ſuch further term and terms of years reſpectively as are herein after mentioned: and do moſt humbly beſeech your Majeſty to accept thereof, and that it may be enacted; and be it enacted by the authority aforeſaid, That all and every ſuch or the like duties for and upon all low wines, or ſpirits of the firſt extraction, as by the ſaid act of the fifth year of her Majeſty's reign were continued or granted for the term of ninety ſix years above-mentioned, ſhall by virtue of this act be further continued, and be paid and payable unto her Majeſty, her heirs and ſucceſſors, for and upon all low wines, and ſpirits of the firſt extraction, to be made or drawn by any diſtiller, or other perſon making or drawing ſpirits or ſtrong waters for ſale or exportation, within the kingdom of *Great Britain*, from or after the expiration of the ſaid term of ninety ſix years, for and during the term of one whole year from thence next and immediately enſuing: and that all and every ſuch and the like duties and ſums of money to be paid by every hawker, pedlar, petty chapman, and ſuch other perſons as are deſcribed in one act of the

Duties on low wines, &c. 5 Ann. c. 19.

on hawkers, pedlars, &c.

9 & 10 W. 3. c. 27. the ninth year of the reign of his said late majesty King *William*, for licensing hawkers and pedlars, and all the powers for granting such licences, which by the said act of the fifth year of her 5 Ann. c. 19. Majesty's reign are to continue for the like term of ninety six years, from the said twenty fourth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be put in execution by virtue of this act within the whole kingdom of *Great Britain*, from and after the expiration of the said term of ninety six years, during the term of Stamp duties, one whole year from thence next and immediately ensuing: and that such of the duties upon vellum, parchment, and paper, as by the said act of the fifth year of her Majesty's reign were continued for the term of ninety six years from the last day of *July*, one thousand seven hundred and ten, shall, by virtue of this act be further continued, and be due and payable to her Majesty, her heirs and successors, within and throughout the whole kingdom of *Great Britain*, from and after the expiration of the term of ninety six years last-mentioned, for and during the term of one whole year from thence next and immediately ensuing: and that the additional subsidies of tonnage and poundand the one third subsidy, age, and other duties upon wines, goods, and merchandizes, commonly called, the one third subsidy, which by the said act 5 Ann. c. 19. of the fifth year of her Majesty's reign, are granted and continued for the term of one whole year from the expiration of a term of ninety eight years, which commenced from the eighth day of *March*, one thousand seven hundred and six, shall by virtue of this act, be further continued, and be due and payable to further continued for one year more after the expiration of their respective terms. her Majesty, her heirs and successors, within and throughout the whole united kingdom of *Great Britain*, from the expiration of the said term of one year so granted and commencing as aforesaid, for and during the further term of one whole year from thence next and immediately ensuing: and that the duty upon Sweets continued for 2 years longer. sweets made for sale, which by the said act in the fifth year of her Majesty's reign, was granted for the term of ninety nine years, commencing from the twenty fourth day of *March*, one thousand seven hundred and six, shall, by virtue of this act, be further continued, and be paid and payable to her Majesty, her heirs and successors, within and throughout the united kingdom of *Great Britain*, from and after the expiration of the term of ninety nine years last-mentioned, for and during the further term of two years from thence next and immediately ensuing.

Excise act, 4 & 5 W. & M. c. 3. continued for 15 years longer. V. And be it further enacted by the authority aforesaid, That the several rates and duties of excise upon beer, ale, and other liquors, which by the said act of the fourth year of the reign of their said late majesties King *William* and Queen *Mary*, of glorious memory, were granted for the term of ninety nine years, from the twenty fifth day of *January*, one thousand six hundred ninety two, shall, by virtue of this act, be further continued, and be paid and payable to her Majesty, her heirs and successors, within and throughout the whole united kingdom of *Great Britain*, from and after the expiration of the term of ninety

ty nine years laſt-mentioned, for and during the further term of fifteen years from thence next and immediately enſuing, for the uſes and purpoſes in this act expreſſed.

VI. And it is hereby enacted, That the ſaid ſeveral duties upon low wines, or ſpirits of the firſt extraction; and the ſaid duties payable by hawkers, pedlars, petty chapmen, and others deſcribed as aforeſaid; and the ſaid rates and duties upon vellum, parchment and paper; and the ſaid additional ſubſidy of tonnage and poundage, and other duties upon wines, goods, and merchandizes, by this act ſeverally granted for a further term of one year as aforeſaid; and the ſaid duty upon ſweets by this act granted for a further term of two years as aforeſaid; and the ſaid rates and duties of exciſe by this act granted for a further term of fifteen years as aforeſaid, for the uſes and purpoſes in this act expreſſed, be ſeverally and reſpectively raiſed and levied by ſuch rules and methods, and under ſuch penalties and forfeitures, and with ſuch diſtribution of the ſaid penalties and forfeitures, and ſubject to ſuch power of mitigation, and ſuch reſpective drawbacks, allowances, and repayments, and in ſuch manner and form as the like duties granted or continued by the ſaid act of the fifth year of her Majeſty's reign, or any of them reſpectively, are preſcribed, enacted, or appointed to be raiſed or levied. Former powers continued. 5 Ann. c. 19.

VII. And it is hereby enacted and declared, That the ſaid overplus monies of the ſaid rates, duties, ſubſidies, and other funds ſettled for payment of the ſaid ſeveral annuities purchaſed upon the ſaid ſeveral acts of the fourth and fifth years of her Majeſty's reign reſpectively; and the ſaid overplus monies of the ſaid rates and duties of exciſe which were granted in the fourth year of their ſaid late Majeſties reign as aforeſaid; and the ſaid ſum not exceeding one hundred thouſand pounds, directed to be reſerved out of the contribution monies as aforeſaid; and the ſeveral grants made by this act of the ſaid duties upon low wines, or ſpirits of the firſt extraction; and of the ſaid duties to be paid by hawkers, pedlars, and petty chapmen; and of the ſaid duties upon vellum, parchment, and paper; and of the ſaid additional ſubſidy of tonnage and poundage ſeverally, for the further term of one year as aforeſaid; and of the ſaid duties upon ſweets for two years as aforeſaid; and of the ſaid particular rates and duties of exciſe for the term of fifteen years as aforeſaid; or ſo much of the ſaid ſeveral overplus monies, reſerved monies, rates, additional ſubſidy, and other duties, as ſhall be ſufficient for making up the ſaid fund not exceeding forty thouſand pounds *per annum*, for anſwering the full and due payment of all the annuities to be purchaſed on this act, and all arrearages thereof from time to time incurred, are, and ſhall be by virtue of this act liable and appropriated thereunto, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the penalties, forfeitures, and diſabilities in this act expreſſed; and all the monies ariſing by the ſaid overpluſſes, grants, and proviſions hereby made, out of which the ſaid Overplus monies, &c. appropriated for payment of the 40,000l. per annum, 4 & 5 W. & M. c. 3.

ſaid fund, not exceeding forty thouſand pounds *per annum*, is to be raiſed, ſhall be fairly and duly entred in one or more book or books to be kept in the offices of the auditor of the receipt and clerk of the pells for that purpoſe, to which all perſons concerned at all ſeaſonable times ſhall have free acceſs without fee or charge.

and to be entred in a book for that purpoſe.

Any perſon may lend 640,000l. for purchaſing annuities at 16 years purchaſe.

VIII. And for the raiſing any ſum or ſums of money, not exceeding in the whole the ſaid ſum of ſix hundred and forty thouſand pounds, for ſuch uſes as aforeſaid, it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, any ſum or ſums of money, not exceeding in the whole the ſaid ſum of ſix hundred and forty thouſand pounds, for purchaſing any annuity or annuities to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and eight, at the rate of ſixteen years purchaſe, which rate doth amount to the ſum of one hundred and ſixty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the ſame rate, or conſideration money, is hereby appointed to be paid into the ſaid receipt at or before the reſpective days and times herein after mentioned; that is to ſay, one fourth part thereof on or before the ſix and twentieth day of *March*, in the year of our Lord one thouſand ſeven hundred and eight; one other fourth part thereof on or before the ſix and twentieth day of *May*, in the year of our Lord one thouſand ſeven hundred and eight; one other fourth part thereof on or before the ſix and twentieth day of *July*, in the year of our Lord one thouſand ſeven hundred and eight; and the remaining fourth part thereof on or before the five and twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and eight: all which annuities ſo to be purchaſed, ſhall not exceed in the whole the ſaid ſum of forty thouſand pounds *per annum*; and ſhall be paid and payable at the four moſt uſual feaſts or days of payment in the year; that is to ſay, The feaſts of the nativity of Saint *John* baptiſt, Saint *Michael* the archangel, the birth of our Lord Chriſt, and the annunciation of the bleſſed virgin *Mary*, by even and equal portions, the firſt payment thereof to be due at the feaſt of the nativity of Saint *John* the baptiſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight.

Times of payment.

Annuities not to exceed 40,000l. per. ann. and to be paid quarterly.

Contributors names to be entred, &c.

IX. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer ſeverally, there ſhall be provided and kept a book or books, in which there ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums upon this act, and alſo the ſums ſo paid, and the times when the ſame are reſpectively paid:

to

to which book it shall be lawful for the said respective contributors, their executors, administrators, and assigns, from time to time, and at all seasonable times, to have resort, and to inspect the same without fee or reward.

The 400000l. charged with the said annuities.

X. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be purchased upon or in pursuance of this present act, shall be and are hereby charged upon, and shall be paid and payable from time to time out of the said fund or sum, not exceeding forty thousand pounds *per annum*, by this act intended and appointed to be established, as aforesaid; and the said yearly fund or sum of forty thousand pounds *per annum*, or so much thereof as shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, and all the arrearages thereof, at any time due or owing, are and shall be, by virtue of this act, appropriated, and applied to and for satisfying and discharging of the same annuities, and such arrearages thereof accordingly, and shall be issued, disposed, and applied to that use, and to no other use, intent or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed; any thing herein contained, or any other matter or thing whatsoever, to the contrary notwithstanding.

Surplus to be applied to publick use. *Farther provision relating hereto*, 1 Geo. 1. stat. 2. c. 12. s. 7.

XI. Provided always, That if at the end of any year of the said term of ninety nine years, for which the said annuities upon this act are to be purchased, the first computation to be made at the feast of the annunciation of the blessed virgin *Mary*, one thousand seven hundred and nine, or within six days after, the monies arising at the Exchequer within such year, which by this act are chargeable to make good the said yearly fund, not exceeding forty thousand pounds (excepting such part of the said contribution-money, as is to be reserved for making good the future quarterly payments until the thirtieth day of *September*, one thousand seven hundred and ten, as aforesaid) shall exceed all the monies which at every such feast day shall be due for or upon the same annuities, and all arrearages thereof, then or at any time or times before that time incurred, so that there shall be an excess or surplus remaining in the Exchequer, such excess or surplus shall be disposeable from time to time for the publick use and service, and not otherwise; any thing herein contained to the contrary notwithstanding.

Contributors entitled to the annuities, &c. *Part of these annuities were subscribed unto* South Sea Stock *pursuant to* 6 Ann. c. 4.

XII. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days or times in this act limited in that behalf, for any such annuity or annuities, as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased out of the monies by this act appropriated or appointed for the payment thereof, during the said whole term

of

of ninety nine years, to be purchased therein, as is above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities so by them to be purchased, according to the tenor and true meaning of this act; and that all the said annuities to be purchased upon this act, and every of them, during the term aforesaid, shall be free from all taxes, charges, and impositions whatsoever.

Tax free.

XIII. And be it further enacted by the authority aforesaid, That every contributor upon this act, for any annuity or annuities, as aforesaid, his, her, or their executors, administrators or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, shall immediately have one or more talley or tallies levied, importing the receipt of so much consideration-money as shall be so paid; and upon payment of all the purchase-money for any such annuity or annuities, at the rate aforesaid, every such contributor, his, her, or their executors, administrators, successors, or assigns respectively, shall have an order for paying of the said annuity and annuities, for and during the said term of ninety nine years, to be purchased therein, which order shall be signed by the treasurer and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, and after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them, or any of them, nor shall any lord high treasurer of *Great Britain*, treasurer of the Exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, or make void such orders so signed, as aforesaid, or any of them.

And have tallies and orders struck for payment, &c.

XIV. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer the sums by them intended to be advanced upon this act, it is provided and enacted by the authority aforesaid, That every such contributor who shall advance and pay into the said receipt of Exchequer, all or any part of the purchase-money payable for any such annuity or annuities, as aforesaid, before the said six and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight, his, her, or their executors, administrators, or assigns, shall be allowed and paid out of the contribution money arising by this act, interest after the rate of five pounds *per centum per annum* for the prompt payment of the money so advanced, from the time of the actual advancing and paying the same, until the said six and twentieth day of *March*, one thousand seven hundred and eight.

5 per cent. for prompt payment before 26 March, 1708.

XV. And be it further enacted, That it shall and may be law-

Annuities assignable, &c.

lawful to and for any contributor or contributors, his, her, or their executors, administrators, successors, or assigns, at any time or times, during the continuance of his, her, or their term, estate, or interest of and in any annuity to be purchased upon this act, by any writing under his, her, or their hands and seals, or under the common seal of a corporation, or by his, her, or their last will in writing, to assign, or devise such annuity, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment to be revokable, so as an entry, or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months after such assignment, or death of the devisor; and that upon producing such assignment, or will, or probat thereof, in the said office of receipt to be entred, as aforesaid, the party so producing the same shall bring therewith an affidavit taken before one or more of her Majesty's justices of the peace, of the due execution of the said assignment or will, which affidavit shall be severally filed in the said office, which said entry or memorandum the proper officers in the said receipt of Exchequer are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the interest of such contributor shall go to his or her executors or administrators.

Guardian may advance 160 l. for benefit of infant.

XVI. And it is hereby enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred and sixty pounds of the money of such infant, to purchase an annuity upon this act, for the benefit of such infant; and the said guardian or trustee, as to the said sum of one hundred and sixty pounds so advanced, is hereby discharged.

Officer at the Exchequer to take no fee, &c,

XVII. And be it further enacted, for the better encouragement of persons to advance the monies on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving directly or indirectly, any fee, gratuity, or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the monies of the said fund, duties, or monies hereby appropriated, or any part thereof, which should make good the payment of the said annuities, or shall pay, or issue out the same otherwise than according to the intent of this act, or shall not keep books or registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for ever incapable of any office or place of trust, and shall answer and pay treble damages to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information

Penalty.

in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of reſtraint, or more than one imparlance ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery ſhall have full coſts, one third of which ſum to be recovered for damages, ſhall be to the uſe of her Majeſty, her heirs and ſucceſſors, and the other two third parts with the coſts ſhall be to the uſe of the proſecutor; and in caſe there ſhall be any colluſion or feint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators or aſſigns, to bring another action, wherein he or ſhe ſhall recover, as aforeſaid, to the like uſes, as aforeſaid.

No purchaſe unleſs one fourth paid by 26 March, 1708.

XVIII. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe or obtain any annuity whatſoever upon this act, unleſs the whole or one fourth at leaſt of the conſideration-money for the ſame, at ſuch rate, as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer, on or before the ſaid ſix and twentieth day of *March*, one thouſand ſeven hundred and eight.

Contributor paying one fourth part, and not the remainder, forfeits what is paid.

XIX. Provided alſo, That in caſe any ſuch contributor, as aforeſaid, who ſhall on or before the ſaid ſix and twentieth day of *March*, one thouſand ſeven hundred and eight, have advanced one fourth part of his or her purchaſe-money, or his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, do not advance and pay into the ſaid receipt of Exchequer, one other fourth part of his or her conſideration-money, ſo to be paid for ſuch reſpective annuity or annuities, as aforeſaid, on or before the ſaid ſix and twentieth day of *May*, in the year of our Lord one thouſand ſeven hundred and eight; and the other fourth part thereof, on or before the ſaid ſix and twentieth day of *July*, one thouſand ſeven hundred and eight; and the remaining fourth part thereof on or before the ſaid five and twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and eight; then and in every ſuch caſe reſpectively no order ſhall be drawn or ſigned for ſuch reſpective annuity, for which the conſideration-money ſhall not be fully paid, as aforeſaid, but ſo much of the conſideration-money as ſhall have been actually paid into the receipt of the Exchequer for ſuch reſpective annuity, ſhall be forfeited to her Majeſty, her heirs and ſucceſſors, and be applied, together with other the monies to be raiſed by this act, for ſuch publick ſervices, as aforeſaid; any thing in this act contained to the contrary notwithſtanding.

Treaſury may reward officers.

XX. Provided alſo, and it is hereby enacted, That it ſhall and may be lawful to and for the treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, out of the overplus of the revenues hereby appropriated for making good the ſaid fund, not exceeding forty thouſand pounds *per annum*, which ſhall ariſe over and above

ſo

so much as shall be sufficient to make up the said yearly fund for discharging all the annuities to be purchased on this act, to reward the officers, clerks, and others to be employed in the payment of the said annuities, or the accounts thereof, for their labour, pains, charges, and service therein respectively, and to defray all other the necessary charges incident to the payment of the said annuities, as to the said treasurer or commissioners of the treasury for the time being, shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Subscriptions admitted before the royal assent, void.

XXI. *And whereas there are admitted in the Exchequer many subscriptions for annuities to this act before the same has had the royal assent*, be it further enacted by the authority aforesaid, That all subscriptions made or taken, or which shall be made and taken, before the royal assent given to this act, shall be, and are hereby declared to be null and void.

CAP. VI.

An act for rendring the union of the two kingdoms more intire and compleat.

WHEREAS *by her Majesty's great wisdom and goodness the union of the two kingdoms hath been happily effected, and the whole island is thereby subject to one sovereignty, and represented by one parliament*; to the end therefore that the said union may be rendred more compleat and intire, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May*, in the year of our Lord one thousand seven hundred and eight, the Queen's majesty, her heirs and successors, shall have but one privy council in or for the kingdom of *Great Britain*, to be sworn to her Majesty, her heirs and successors, as sovereigns of *Great Britain*; and such privy council shall have the same powers and authorities as the privy council of *England* lawfully had, used, and exercised at the time of the union, and none other.

From 1 May, 1708, the Queen to have but one privy council in Great Britain.

II. And to the end the publick peace may be in like manner preserved throughout the whole united kingdom; be it further enacted by the authority aforesaid, That in every shire and stewartry within that part of *Great Britain* called *Scotland*, and also in such cities, boroughs, liberties, and precincts within *Scotland*, as her Majesty, her heirs or successors shall think fit, there shall be appointed by her Majesty, her heirs or successors, under the great seal of *Great Britain*, a sufficient number of good and lawful men to be justices of the peace within their respective shires, stewartries, cities, boroughs, liberties, or precincts; which persons so appointed, over and above the several powers and authorities vested in justices of the peace by the laws of *Scotland*, shall be further authorized to do, use and exercise over all persons within their several bounds, whatever doth appertain to the office and trust of a justice of peace, by virtue of the laws

Justices of peace to be appointed in every shire and stewartry of Scotland.

Explained as to dittays and portsous rolls, by 8 Annæ, c. 16. s. 3.

and acts of parliament made in *England* before the union, in relation to and for the preſervation of the publick peace. Provided nevertheleſs, That in the ſeſſions of the peace the methods of trial and judgments ſhall be according to the laws and cuſtoms of *Scotland*.

Proviſo.

III. Provided, That nothing in this act contained ſhall be conſtrued to alter or infringe any rights, liberties, or privileges heretofore granted to the city of *Edinburgh*, or to any other royal borough, of being juſtices of peace within their reſpective bounds.

Not to alter the privileges of Edinburgh, &c.

IV. *And whereas by an act made in* Scotland *in the third ſeſſion of the ſecond parliament of the late King* Charles *the Second, intituled*, An act concerning the regulation of the judicatories, *ſeveral good and wholſome proviſions were made concerning the juſtice court, and amongſt others it was thereby enacted, That once a year circuit courts ſhould be kept at the time and places in the ſaid act mentioned:* now for the better and ſpeedier adminiſtration of juſtice, and further preſervation of the publick peace in that part of the kingdom of *Great Britain*, called *Scotland*, be it alſo enacted by the authority aforeſaid, That for the future, twice in the year, that is to ſay, in the months of *April* or *May*, and in the month of *October*, circuit courts ſhall be kept in the ſeveral places in the ſaid act mentioned, and in manner and form as in the ſaid act contained.

Circuit courts to be kept twice a year.

V. And for the more uniform and expreſs method of electing and returning members of parliament, be it likewiſe further enacted by the authority aforeſaid, That when any parliament ſhall at any time hereafter be ſummoned or called, the forty five repreſentatives of *Scotland*, in the houſe of commons of the parliament of *Great Britain*, ſhall be elected and choſen by authority of the Queen's writs under the great ſeal of *Great Britain*, directed to the ſeveral ſheriffs and ſtewarts of the reſpective ſhires and ſtewartries; and the ſaid ſeveral ſheriffs and ſtewarts ſhall, on receipt of ſuch writs, forthwith give notice of the time of election for the knights or commiſſioners for their reſpective ſhires or ſtewartries, and at ſuch time of election the ſeveral freeholders in the reſpective ſhires and ſtewartries ſhall meet and convene at the head burghs of their ſeveral ſhires and ſtewartries, and proceed to the election of their reſpective commiſſioners or knights for the ſhire or ſtewartry; and the clerks of the ſaid meetings, immediately after the ſaid elections are over, ſhall reſpectively return the names of the perſons elected to the ſheriff or ſtewart of the ſhire or ſtewartry, who ſhall annex it to his writ, and return it with the ſame into the court out of which the writ iſſued: and as to the manner of election of the fifteen repreſentatives of the royal boroughs, the ſheriff of the ſhire of *Edinburgh* ſhall, on the receipt of the writ directed to him, forthwith direct his precept to the lord provoſt of *Edinburgh*, to cauſe a burgeſs to be elected for that city; and on receipt of ſuch precept, the city of *Edinburgh* ſhall elect their member, and their common clerk ſhall certify his name to the ſheriff

In what manner the 45 repreſentatives of Scotland ſhall be elected.

ſheriff of *Edinburgh*, who ſhall annex it to his writ, and return it with the ſame into the court from whence the writ iſſued: and as to the other royal burghs, divided into fourteen claſſes or diſtricts, the theriffs or ſtewarts of the ſeveral ſhires and ſtewartries, ſhall on the receipt of their ſeveral writs, forthwith direct their ſeveral precepts to every royal borough within their reſpective ſhires or ſtewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commiſſioner as they uſed formerly to elect commiſſioners to the parliament of *Scotland*, and to order the ſaid reſpective commiſſioners to meet at the preſiding borough of their reſpective diſtrict (naming the ſaid preſiding borough) upon the thirtieth day after the day of the *Teſte* of the writ, unleſs it be upon the Lord's day, commonly called *Sunday*, and then the next day after, and then to chooſe their burgeſs for the parliament; and the common clerk of the then preſiding borough ſhall immediately after the election, return the name of the perſon ſo elected to the ſheriff or ſtewart of the ſhire or ſtewartry wherein ſuch preſiding borough is, who ſhall annex it to his writ, and return it with the ſame into the court from whence the writ iſſued; and in caſe a vacancy ſhall happen in time of parliament, by the deceaſe or legal incapacity of any member, a new member ſhall be elected in his room, conformable to the method herein before appointed; and in caſe ſuch vacancy be of a repreſentative for any one of the ſaid fourteen claſſes, or diſtricts of the ſaid royal boroughs, that borough which preſided at the election of the deceaſed or diſabled member, ſhall be the preſiding borough at ſuch new election.

How vacancies happening in time of parliament ſhall be ſupplied.

VI. Provided always, That upon the iſſuing of writs of ſummons for the electing of a parliament, if any ſhire or ſtewartry wherein a royal borough is, hath not then a turn or right to elect a commiſſioner, or knight of the ſhire or ſtewartry for that parliament, that then it ſhall be omitted out of the writ directed to ſuch ſheriff or ſtewart, to cauſe a knight, commiſſioner for that ſhire or ſtewartry, to be elected for that parliament.

Shire or ſtewartry, &c. not having a turn to elect, to be omitted out of the writ, &c.

CAP. VII.

An act for the ſecurity of her Majeſty's perſon and government, and of the ſucceſſion to the crown of Great Britain *in the proteſtant line.*

WHEREAS *by the happy union of* England *and* Scotland, *it is become neceſſary to make divers alterations in relation to an act paſſed in the parliament of* England, *in the fourth year of the reign of her preſent Majeſty, whom God long preſerve, intituled,* An act for the better ſecurity of her Majeſty's perſon and government, and of the ſucceſſion to the crown of *England* in the proteſtant line, *and to extend the proviſions of the ſaid act throughout the whole united kingdom, for the better ſecurity of our moſt gracious*

4 Ann. c. 8.

ſovereign's perſon and government, and of the ſucceſſion to the crown of Great Britain *in the proteſtant line, as it is now by the laws and ſtatutes of this realm ſettled, limited, and appointed*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall maliciouſly, adviſedly, and directly, by writing or printing, maintain and affirm, That our ſovereign lady the Queen that now is, is not the lawful and rightful Queen of theſe realms, or that the pretended prince of *Wales*, who now ſtiles himſelf King of *Great Britain*, or King of *England*, by the name of *James* the Third, or King of *Scotland*, by the name of *James* the Eighth, hath any right or title to the crown of theſe realms, or that any other perſon or perſons hath or have any right or title to the ſame, otherwiſe than according to an act of parliament made in *England* in the firſt year of the reign of their late Majeſties King *William* and Queen *Mary*, of ever bleſſed and glorious memory, intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*; and one other act made in *England* in the twelfth year of the reign of his ſaid late majeſty King *William* the Third, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*; and the acts lately made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the Kings or Queens of this realm, with and by the authority of parliament, are not able to make laws and ſtatutes of ſufficient force and validity to limit and bind the crown, and the deſcent, limitation, inheritance, and government thereof; every ſuch perſon or perſons ſhall be guilty of high treaſon, and being thereof lawfully convicted, ſhall be adjudged traitors, and ſhall ſuffer pains of death, and all loſſes and forfeitures as in caſes of high treaſon.

Perſons who by writing, &c. ſhall declare, &c. the Queen not to be lawful Queen, or that the pretended prince of Wales hath any right to the crown, &c. 1 W. & M. ſeſſ. 2. c. 2.

11 & 12 W. 3. c. 2.

Guilty of high treaſon.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall maliciouſly and directly, by preaching, teaching, or adviſed ſpeaking, declare, maintain, and affirm, That our ſovereign lady the Queen that now is, is not the lawful or rightful Queen of theſe realms, or that the pretended prince of *Wales*, who now ſtiles himſelf King of *Great Britain*, or King of *England*, by the name of *James* the Third, or King of *Scotland*, by the name of *James* the Eighth, hath any right or title to the crown of theſe realms, or that any other perſon or perſons hath or have any right or title to the ſame, otherwiſe than according to an act of parliament made in *England* in the firſt year of the reign of their ſaid late Majeſties King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*; and one other act made in *England*, in the twelfth year of the reign of his late majeſty King *William* the Third, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*; and the acts lately made

Preachers, &c. who ſhall declare and affirm the Queen not to be lawful Queen, &c.

1 W. & M. ſeſſ. 2. c. 2.

11 & 12 W. 3. c. 2.

made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the Kings or Queens of this realm, with and by the authority of parliament, are not able to make laws and ſtatutes of ſufficient force and validity to limit and bind the crown, and the deſcent, limitation, inheritance, and government thereof; every ſuch perſon or perſons ſhall incur the danger and penalty of *præmunire* mentioned in the ſtatute of *præmunire* made in *England* in the ſixteenth year of the reign of King *Richard* the Second.

To incur the penalty of præmunire.

16 R 2. c. 5.

III. Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be proſecuted by virtue of this act for any words ſpoken, unleſs the information of ſuch words be given upon oath to one or more juſtice or juſtices of the peace within three days after ſuch words ſpoken, and the proſecution of ſuch offence be within three months after ſuch information; and that no perſon ſhall be convicted by virtue of this act for any ſuch words ſpoken, but by the oaths of two credible witneſſes.

No proſecution unleſs information be within 3 days after words ſpoken.

IV. And be it further enacted by the authority aforeſaid, That this preſent parliament, or any other parliament which ſhall hereafter be ſummoned and called by her majeſty Queen *Anne*, her heirs or ſucceſſors, ſhall not be determined or diſſolved by the death or demiſe of her ſaid Majeſty, her heirs or ſucceſſors, but ſuch parliament ſhall, and is hereby enacted to continue, and is hereby impowered and required, if ſitting at the time of ſuch demiſe, immediately to proceed to act, notwithſtanding ſuch death or demiſe, for and during the term of ſix months, and no longer, unleſs the ſame be ſooner prorogued or diſſolved by ſuch perſon to whom the crown of this realm of *Great Britain* ſhall come, remain and be, according to the acts for limiting and ſettling the ſucceſſion, and for the union above-mentioned; and if the ſaid parliament ſhall be prorogued, then it ſhall meet and ſit on and upon the day unto which it ſhall be prorogued, and continue for the reſidue of the ſaid time of ſix months, unleſs ſooner prorogued or diſſolved as aforeſaid.

Parliament not to be diſſolved by Queen's death.

But continue for 6 months after.

V. And be it further enacted by the authority aforeſaid, That if there be a parliament in being, at the time of the death of her Majeſty, her heirs or ſucceſſors, but the ſame happens to be ſeparated by adjournment or prorogation, ſuch parliament ſhall immediately after ſuch demiſe meet, convene and ſit, and ſhall act, notwithſtanding ſuch death or demiſe, for and during the time of ſix months, and no longer, unleſs the ſame ſhall be ſooner prorogued or diſſolved as aforeſaid.

Parliament to meet immediately after death.

VI. And be it further enacted by the authority aforeſaid, That in caſe there is no parliament in being at the time of ſuch demiſe that hath met and ſat, then the laſt preceding parliament ſhall immediately convene, and ſit at *Weſtminſter*, and be a parliament to continue as aforeſaid, to all intents and purpoſes, as if the ſame parliament had never been diſſolved, but ſubject to be prorogued and diſſolved as aforeſaid.

In caſe there be no parliament, then the laſt preceding to meet.

VII. Provided always, and it is hereby declared, That nothing in this act contained ſhall extend, or be conſtrued to extend

Not to abridge Queen's power to prorogue or

diſſolve parliaments. 6 W. & M. c. 2.

tend to alter or abridge the power of the Queen, her heirs or ſucceſſors, to prorogue or diſſolve parliaments, nor to repeal, or make void one act of parliament made in *England* in the ſixth year of the reign of their ſaid late majeſties King *William* and Queen *Mary*, intituled, *An act for the frequent meeting and calling of parliaments*; but that the ſaid act ſhall continue in force in every thing that is not contrary to, or inconſiſtent with the direction of this act; and the ſaid act for the frequent meeting and calling of parliaments is hereby declared and enacted to extend to the parliament of *Great Britain*, as fully and effectually, to all intents, conſtructions, and purpoſes, as if the ſame were herein and hereby particularly recited and enacted.

To extend to the parliament of Great Britain.

Privy council not to be diſſolved by Queen's death.

VIII. And be it further enacted by the authority aforeſaid, That the privy council of her Majeſty, her heirs or ſucceſſors for the kingdom of *Great Britain*, ſhall not be determined or diſſolved by the death or demiſe of her Majeſty, her heirs or ſucceſſors; but ſuch privy council ſhall continue and act as ſuch by the ſpace of ſix months next after ſuch demiſe, unleſs ſooner determined by the next ſucceſſor to whom the imperial crown of this realm is limited and appointed to go, remain, and deſcend; nor ſhall the office or place of lord chancellor or lord keeper of the great ſeal of *Great Britain*, or of lord high treaſurer of *Great Britain*, lord preſident of the council for *Great Britain*, lord privy ſeal of *Great Britain*, lord high admiral of *Great Britain*, or of any of the great officers of the Queen or King's houſhold for the time being, nor ſhall any office, place, or employment, civil or military, within the kingdoms of *Great Britain* or *Ireland*, dominion of *Wales*, town of *Berwick* upon *Tweed*, iſles of *Jerſey*, *Guernſey*, *Alderney*, and *Sarke*, or any of her Majeſty's plantations, become void by reaſon of the demiſe or death of her preſent Majeſty, her heirs or ſucceſſors, Queens or Kings of this realm; but the ſaid lord chancellor or lord keeper of the great ſeal of *Great Britain*, the lord high treaſurer of *Great Britain*, the lord preſident of the council, the lord privy ſeal, the lord high admiral of *Great Britain*, the great officers of the houſhold, and every other perſon and perſons in any of the offices, places, and employments aforeſaid, ſhall continue in their reſpective offices, places, and employments, for the ſpace of ſix months next after ſuch death or demiſe, unleſs ſooner removed and diſcharged by the next in ſucceſſion as aforeſaid.

Nor the places of the great officers.

Nor any offices civil or military.

But continue for ſix months.

Great ſeal, &c. to be uſed.

IX. And be it further enacted by the authority aforeſaid, That the great ſeal of *Great Britain*, the privy ſeal, privy ſignet, and all other publick ſeals in being, at the time of the demiſe of her Majeſty, her heirs or ſucceſſors, ſhall continue and be made uſe of as the reſpective ſeals of the ſucceſſor, until ſuch ſucceſſor ſhall give order to the contrary.

On Queen's death, privy council to cauſe the next

X. And be it further enacted by the authority aforeſaid, That whenſoever her Majeſty (whom God long preſerve) ſhall happen to demiſe and depart this life without iſſue of her body, the privy council for *Great Britain* in being at the time of ſuch demiſe

demiſe of her Majeſty, ſhall with all convenient ſpeed cauſe the next proteſtant ſucceſſor entitled to the crown of *Great Britain*, by virtue of the acts before-mentioned, to be openly and ſolemnly proclaimed in *Great Britain* and *Ireland*, in ſuch manner and form as the preceding Kings and Queens reſpectively have been uſually proclaimed after the demiſe of their reſpective predeceſſors; and that all and every member and members of the ſaid privy council, wilfully neglecting or refuſing to cauſe ſuch proclamation to be made, ſhall be guilty of high treaſon, and being thereof lawfully convicted, ſhall be adjudged traitors, and ſhall ſuffer pains of death, and all loſſes and forfeitures as in caſes of high treaſon; and alſo all and every officer and officers within the ſaid kingdoms of *Great Britain* and *Ireland*, who ſhall by the ſaid privy council be required to make ſuch proclamations, and ſhall wilfully refuſe or neglect to make the ſame, ſhall be guilty of high treaſon, and being thereof lawfully convicted ſhall be adjudged traitors, and ſhall ſuffer pains of death, and all loſſes and forfeitures as in caſes of high treaſon.

proteſtant ſucceſſor to be proclaimed.

On paſt of high treaſon.

XI. *And becauſe it may happen that the next proteſtant ſucceſſor may, at the time of ſuch demiſe of her Majeſty, be out of the realm of* Great Britain *in parts beyond the ſeas*; be it therefore enacted by the authority aforeſaid, That for the continuing of the adminiſtration of the government in the name of ſuch proteſtant ſucceſſor, until her or his arrival in *Great Britain*, the ſeven officers herein after named, who ſhall be in the poſſeſſion of their offices at the time of ſuch demiſe of her Majeſty, that is to ſay, The archbiſhop of *Canterbury* at that time being, the lord chancellor or lord keeper of the great ſeal of *Great Britain* at that time being, the lord high treaſurer of *Great Britain* at that time being, the lord preſident of the council for *Great Britain* at that time being, the lord privy ſeal of *Great Britain* at that time being, the lord high admiral of *Great Britain* at that time being, and the lord chief juſtice of the *Queen's Bench* at that time being, ſhall be and are, by virtue of this act, conſtituted and appointed lords juſtices of *Great Britain*, and are and ſhall be, by virtue of this act, impowered, in the name of ſuch ſucceſſor, and in her and his ſtead, to uſe, exerciſe, and execute all powers, authorities, matters, and acts of government, and adminiſtration of government, in as full and ample manner as ſuch next ſucceſſor could uſe or execute the ſame, if ſhe or he were preſent in perſon within this kingdom of *Great Britain*, until ſuch ſucceſſor ſhall arrive, or otherwiſe determine their authority.

In caſe ſucceſſor be out of the realm at Queen's death;

Seven lords juſtices appointed.

XII. Nevertheleſs be it further enacted by the authority aforeſaid, That ſuch perſon who by the limitations aforeſaid is or ſhall be next to ſucceed to the crown of this realm, in caſe of her Majeſty's demiſe without iſſue, ſhall and is hereby impowered, at any time during her Majeſty's life, by three inſtruments under her or his hand and ſeal, revocable or to be altered at her and his will and pleaſure, to nominate and appoint

The ſucceſſor (by three inſtruments) may add ſeven others.

ſuch and ſo many perſons, being natural born ſubjects of this realm of *Great Britain*, as ſhe or he ſhall think fit, to be added to the ſeven officers before named, to the lords juſtices as aforeſaid; who ſhall be impowered, by authority of this act, to act with them as lords juſtices of *Great Britain*, as fully and in the ſame manner as if they had been herein particularly named: which ſaid lords juſtices, or the major part of them, which ſhall aſſemble, ſo as ſuch major part be not fewer than five, ſhall and may uſe and exerciſe all the powers and authorities before-mentioned, as fully and effectually, to all intents and purpoſes, as if all of them had been aſſembled together and conſenting.

The three inſtruments to be tranſmitted into Great Britain.

XIII. And be it enacted by the authority aforeſaid, That the ſaid three inſtruments, revocable and to be altered, as aforeſaid, ſhall be tranſmitted into *Great Britain*, to the reſident of ſuch perſon next to ſucceed, as aforeſaid, whoſe credentials ſhall be enrolled in the high court of *Chancery*, and to the archbiſhop of *Canterbury*, and the lord chancellor or lord keeper of the great ſeal of *Great Britain*, cloſe ſealed up; and after they are ſo tranſmitted, ſhall be put into ſeveral covers, which ſhall be ſeverally ſealed up with three ſeveral ſeals of ſuch reſident, and of the archbiſhop of *Canterbury*, and of the lord chancellor or lord keeper of the great ſeal of *Great Britain*; and one of them, after it is ſo ſealed up, ſhall be lodged and depoſited in the hands of ſuch reſident, one other of them in the hands of the ſaid archbiſhop of *Canterbury*, and one other of them in the hands of the lord chancellor or lord keeper of the great ſeal of *Great Britain*: and that if the next ſucceſſor ſhall be minded to revoke or alter her or his nomination or appointment made, as aforeſaid, and ſhall by three writings of the ſame tenor, under her or his hand and ſeal, require the ſaid inſtruments depoſited, as aforeſaid, to be delivered up to ſome perſon or perſons thereby authorized to receive the ſame, then and in ſuch caſe the ſaid perſons with whom the ſaid inſtruments ſhall be depoſited, and every of them, and in caſe of any of their deaths, their executors or adminiſtrators reſpectively, and every other perſon in whoſe cuſtody any of the ſaid inſtruments ſhall happen to be, ſhall deliver up the ſaid inſtruments accordingly; and they are hereby reſpectively authorized and required ſo to do: and if any of the ſaid perſons with whom the ſaid inſtruments ſhall be ſo depoſited ſhall happen to die, or be removed from their reſpective offices or employments, during the life of her preſent Majeſty, ſuch perſon and perſons, and in caſe of any of their deaths, their executors or adminiſtrators reſpectively, and every other perſon in whoſe cuſtody any of the ſaid inſtruments ſhall happen to be, ſhall, with all convenient ſpeed, deliver ſuch of them as ſhall be in his or their cuſtody, to the ſucceſſor or ſucceſſors of the perſon ſo dying or removed, as aforeſaid; which ſaid ſeveral inſtruments ſo ſealed up and depoſited, as aforeſaid, ſhall immediately after the demiſe of her Majeſty without iſſue, be brought before the privy council, where the ſame

And ſeverally ſealed up and depoſited, &c.

ſhall

shall be forthwith opened and read, and afterwards inrolled in the high court of *Chancery*.

Persons opening any of the said instruments, &c. guilty of a *præmunire*.

XIV. And be it further enacted by the authority aforesaid, That if any of the said persons with whom the said instruments shall be deposited, as aforesaid, or any of their executors or administrators, or any other person in whose custody the same shall happen to be after the deceases of any of the said persons, shall open any of the said instruments, or shall wilfully neglect or refuse to produce before the said privy council, as aforesaid, such of the said instruments as shall be in his or their custody as aforesaid, every such person so opening, neglecting or refusing, shall incur the pains and penalties of a *præmunire* inflicted by the said statute of *præmunire*. 16 R. 2. c. 5.

Any one of the instruments produced to the privy council, to be effectual.

XV. And be it further enacted by the authority aforesaid, That if all the said instruments deposited as aforesaid, shall not be produced before the said privy council as aforesaid, then any one or more of the said instruments so produced as aforesaid, shall be as effectual to give such authority as aforesaid, to the persons therein named, as if all of them had been produced as aforesaid: and if there be not any nomination by such instruments, then the said seven officers, or any five of them, are constituted and appointed to be lords justices of *Great Britain*, and are hereby invested with the powers and authorities mentioned in this act.

Nomination of lords justices by successor, already made, to be as effectual as if appointed by this act.

XVI. And be it further enacted by the authority aforesaid, That any nomination and appointment already made by the next successor, signified by such instruments deposited as aforesaid, pursuant to the said former act for the better security of her Majesty's person and government, and of the succession to the crown of *England* in the protestant line, shall be deemed and taken to be as effectual for constituting and appointing the persons so nominated lords justices of *England* to be lords justices of *Great Britain*, to all intents, constructions and purposes, as if such nomination and appointment were made pursuant to this act.

Lord justices not to dissolve the parliament without direction, nor alter.

XVII. And be it further enacted, That the said lords justices constituted as aforesaid, shall not dissolve the parliament continued and ordered to assemble and sit as aforesaid, without express direction from such succeeding Queen or King; and that the said lords justices shall be, and are hereby restrained and disabled from giving the royal assent in parliament to any bill or bills for the repealing or altering the act made in *England* in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form for making, ordaining, and consecrating bishops, priests, and deacons in the church of* England; or the act made in *Scotland* in the last session of parliament there, intituled, *Act for securing the protestant religion, and presbyterian church government*; and all and every the said lords justices concurring in giving the royal assent to any bill or bills for repealing or altering the said acts, 13 & 14 Car. 2. c. 4. Or an act made in Scotland.

acts, or either of them, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

Lords justices to take the oaths, 1 W. & M. sess. 1. c. 8.

XVIII. And be it further enacted by the authority aforesaid, That the said lords justices before they act or intermeddle in their said offices, or any of the authorities hereby to them given, shall take the oaths mentioned in an act made in *England* in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*; and also the oath herein after expressed and enacted to be taken after the demise of her Majesty without issue of her body; which said oaths shall be taken before the privy council appointed to continue by virtue of this act, who are hereby required and impowered to administer the same; and that all the members of both houses of parliament, and every member of the privy council, and all officers or persons in any offices, places, or employments civil or military, who are or shall be by this act continued as aforesaid, shall take the said oaths, and do all other acts requisite by the laws and statutes of this realm, to qualify themselves to be and continue in such their respective places, offices and employments, within such time, and in such manner, and under such pains, penalties, and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted, or put into such offices, places, or employments in the usual and ordinary way.

By 1 Geo. 2. stat. 2. c. 9. and by 1 Geo. 2. stat. 2. c. 33. Repealed as to officers qualifying themselves anew.

And be deemed officers of trust.

XIX. And it is hereby further enacted and declared, That all and every the persons that shall be any of the lords justices by virtue of this act, shall be deemed and taken as persons executing offices of trust within *England*, and shall be required to do all acts requisite by the laws and statutes of *England*, to qualify themselves to be and continue in their said offices or places of trust, within such times, and in such manner, and under such pains, penalties, and disabilities as in and by the said act are required.

After Queen's death, 1 Ann. stat. 1. c. 22.

XX. And be it further enacted by the authority aforesaid, That from and after the demise of her Majesty without issue of her body, instead of the oath appointed to be taken by the act, intituled, *An act for the further security of her Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of* Wales, *and all other pretenders, and their open and secret abetters, and for declaring the association to be determined*, the following oath shall be taken by all persons required by the said act to take the said oath therein mentioned, and hereby altered and changed (that is to say)

following oath to be taken.

The oath.

I A. B. *do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, That our sovereign is lawful and rightful of this realm, and of all other majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience, that the person pretended*

to

to be prince of Wales *during the life of the late King* James, *and ſince his deceaſe pretending to be, and taking upon himſelf the ſtile and title of King of* England, *by the name of* James *the Third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him. And I do ſwear, That I will bear faith and true allegiance to and will defend to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever which ſhall be made againſt perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to Majeſty and ſucceſſors all treaſons and traiterous conſpiracies which I ſhall know to be againſt or any of them. And I do faithfully promiſe, to the utmoſt of my power, to ſupport, maintain, and defend the ſucceſſion of the crown againſt him the ſaid* James, *and all other perſons whatſoever, as the ſame by an act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands limited to the princeſs* Sophia, *electreſs and dutcheſs dowagr of* Hanover, *and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to the expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promiſe, heartily, willingly and truly, upon the true faith of a chriſtian.*

11 & 12 W. 3. c. 2.

So help me God.

XXI. The blanks of which oath ſhall be filled up with the name of her or him, as Queen, or King, who ſhall be next in ſucceſſion, according to the ſaid act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, when the ſaid oath is to take place, and with the other proper additions of the words *her*, *his*, or *him*, and from and after the death of the ſaid pretended prince of *Wales*, theſe words following, *viz.* [*And I do ſolemnly and ſincerely declare, That I do believe in my conſcience, that the perſon pretended to be prince of* Wales, *during the life of the late King* James, *and ſince his deceaſe pretending to be, and taking upon himſelf the ſtile and title of King of* England, *by the name of* James *the Third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him*] ſhall be left out, and alſo the words [*againſt him the ſaid* James, *and all other perſons whatſoever*] ſhall be omitted, and inſtead thereof ſhall be inſerted [*againſt all perſons whatſoever.*]

How blanks in the oath ſhall be filled up.

XXII. And be it further enacted by the authority aforeſaid, That ſuch next ſucceeding Queen or King ſhall and may make uſe of any ſeal, to affix to any writing or inſtrument, which ſhe or he ſhall, before her or his arrival in *Great Britain*, make and paſs, to execute and do, or cauſe to be executed or done, any

The ſucceſſor may uſe any ſeal before her or his arrival in Great Britain.

any regal act; and it being ſignified by ſuch writing or inſtrument, that the ſame ſhall have the ſame effect as if paſſed under the great ſeal of *Great Britain*, or any other publick ſeal uſed there, the ſame ſhall be of the ſame force and effect, as if it were actually ſealed by the great ſeal of *Great Britain*, or ſuch other publick ſeal, which the ſame is declared to be intended to have the force and effect of in ſuch writing or inſtrument.

Parliament called by lords juſtices not to be diſſolved by arrival of ſucceſſor.

XXIII. And be it further declared and enacted, That if, after the death of her Majeſty without iſſue, and before the arrival of any ſucceeding Queen or King in *Great Britain*, any parliament ſhall be called by the lords juſtices, by writs teſted in their names; by the arrival of ſuch ſucceeding Queen or King in *Great Britain*, ſuch parliament ſhall not be diſſolved, but after ſuch arrival ſhall proceed without any new ſummons.

Proviſo in caſe any of the 7 great offices be in commiſſion at Queen's death.

XXIV. Provided always, That if any of the aforeſaid ſeven officers, other than the office of lord high treaſurer of *Great Britain*, ſhall be in commiſſion at the time of ſuch demiſe of her Majeſty, that then the firſt commiſſioner of ſuch reſpective commiſſion ſhall be one of the ſaid lords juſtices of *Great Britain*, and uſe, exerciſe, and execute all powers, authorities, matters, and acts of government by this act veſted in the ſaid lords juſtices of *Great Britain*, according to the directions and proviſions of this act, in as full and ample manner, as if ſuch office or offices were in the hands of a ſingle perſon, provided, that if there be no lord high treaſurer of *Great Britain*, and the office of treaſurer of the Exchequer ſhall be in commiſſion, then the firſt in that commiſſion ſhall be one of the lords juſtices of *Great Britain*.

Perſons in office, &c. made incapable of being elected members of the houſe of commons.

XXV. And be it further enacted by the authority aforeſaid, That no perſon, who ſhall have in his own name, or in the name of any perſon or perſons in truſt for him, or for his benefit, any new office or place of profit whatſoever under the crown, which at any time ſince the five and twentieth day of *October*, in the year of our Lord one thouſand ſeven hundred and five, have been created or erected, or hereafter ſhall be created or erected, nor any perſon who ſhall be commiſſioner or ſub-commiſſioner of prizes, ſecretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commiſſioner of tranſports, nor any commiſſioner of the ſick and wounded, nor any agent for any regiment, nor any commiſſioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commiſſioners of the navy imployed in any of the out-ports, nor any perſon having any penſion from the crown during pleaſure, ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons in any parliament which ſhall be hereafter ſummoned and holden.

By 1 Geo. 1. ſtat. 2. c. 56. *No penſioner for years ſhall ſit in the houſe, &c.* *See* 15 Geo. 2. c. 22.

Accepting office of profit while a member, election void: but may

XXVI. Provided always, That if any perſon being choſen a member of the houſe of commons, ſhall accept of any office of profit from the crown, during ſuch time as he ſhall continue a member, his election ſhall be, and is hereby declared to be void, and

and a new writ ſhall iſſue for a new election, as if ſuch perſon ſo accepting was naturally dead. Provided nevertheleſs, That ſuch perſon ſhall be capable of being again elected, as if his place had not become void as aforeſaid. be again elected.

XXVII. Provided alſo, and be it enacted, That in order to prevent for the future too great a number of commiſſioners to be appointed or conſtituted for the executing of any office, that no greater number of commiſſioners ſhall be made or conſtituted for the execution of any office than have been employed in the execution of ſuch reſpective office at ſome time before the firſt day of this preſent parliament. No office to be exe uted by too many commiſſioners.

XXVIII. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend to any member of the houſe of commons, being an officer in her Majeſty's navy or army, who ſhall receive any new, or other commiſſion in the navy or army reſpectively. Not to extend to officers in the navy or army.

XXIX. And be it further enacted, That if any perſon hereby diſabled, or declared to be incapable to ſit or vote in any parliament hereafter to be holden, ſhall nevertheleſs be returned as a member to ſerve for any county, ſtewartry, city, town, or cinque port, in any ſuch parliament, ſuch election and return are hereby enacted and declared to be void to all intents and purpoſes whatſoever; and if any perſon diſabled, or declared incapable by this act to be elected, ſhall after the diſſolution or determination of this preſent parliament preſume to ſit or vote as a member of the houſe of commons in any parliament to be hereafter ſummoned, ſuch perſon ſo ſitting or voting ſhall forfeit the ſum of five hundred pounds, to be recovered by ſuch perſon as ſhall ſue for the ſame in *England*, by action of debt, bill, plaint or information, wherein no eſſoin, protection or wager of law ſhall be allowed, and only one imparlance. Perſons diſabled, if return'd as members, ſuch election and return void. Penalty on ſitting.

XXX. And be it further enacted and declared, That every perſon diſabled to be elected, or to ſit or vote in the houſe of commons of any parliament of *England*, ſhall be diſabled to be elected, or to ſit or vote in the houſe of commons of any parliament of *Great Britain*.

XXXI. And be it further enacted by the authority aforeſaid, That no perſon, who now is a commiſſioner for diſpoſing the ſum of three hundred ninety eight thouſand and eighty five pounds ten ſhillings, and all other ſums ariſing to *Scotland* by way of equivalent, upon the agreements, and to the purpoſes mentioned in the articles of union of the two kingdoms, ſhall for or by reaſon of ſuch commiſſion, or any other commiſſion for diſpoſing the ſaid equivalent, or any part thereof, or the execution of any ſuch commiſſion, or any thing relating thereunto, be diſabled from being elected a member of parliament, or ſitting or voting as ſuch in this or any future parliament. No commiſſioner for the equivalent diſabled from being elected.

CAP.

CAP. VIII.

An act for encouraging the dressing and dying of woollen clothes within this kingdom, by laying a duty upon broad cloth exported white.

Duty of 5s. to be paid for every broad cloth exported. *Continued for thirty-two years by* 9 Annæ, c. 6. *and perpetuated by* 3 Geo. 1. c. 6.

I. WHEREAS *it has been found necessary towards supporting the woollen manufacture of this kingdom, that woollen cloth, commonly called broad cloth, be exported white:* now to the intent that such exportation may not be prejudicial to the dressing or dying of woollen clothes within this kingdom, we your Majesty's most dutiful subjects, the commons of *Great Britain* in parliament assembled, do humbly pray your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a duty of five shillings shall be paid to her Majesty, her heirs and successors, for every white woollen cloth, commonly called broad cloth, which shall be exported out of this kingdom into foreign parts.

Cloth shipt before duty paid, forfeited.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall export, or ship on any boat or vessel, in order to exportation into foreign parts, any white woollen cloth or clothes, commonly called broad cloth, without first paying the duty aforesaid, such person or persons shall forfeit every such cloth or clothes, which shall be so shipped in order to exportation, contrary to the intent and meaning of this act, or the value of such cloth or clothes; one moiety thereof to her Majesty, her heirs and successors; the other moiety to such person as shall seize, inform, or sue for the same.

CAP. IX.

An act for the exportation of white woollen cloth.

24 & 15 H. 8. c. 3.

WHEREAS *by an act of parliament made in the fourteenth and fifteenth years of the reign of King* Henry *the Eighth, intituled,* Touching worsted weavers of *Yarmouth* and *Lynn, it is amongst other things enacted, That no person or persons any time after convey or transport into any of the parts beyond the sea, any manner of clothes or worsteds before the same clothes be shorn, dyed, coloured, and calendred, upon pain of forfeiting the value thereof: and whereas in the fifth year of the reign of Queen* Elizabeth *a patent was granted to the* Hamborough *company for ever, with liberty to export thirty thousand clothes, though not wrought or dressed, twenty five thousand whereof to be above the value of three pounds, and under the value of six pounds* per *cloth, and the other five thousand to be above the value of four pounds* per *cloth: and whereas in the eight and twenticth year of the reign of King* Charles *the Second another patent was granted to Sir* James Hayes *and Sir* Peter Apsley, *knights, in trust for the late countess of* Portland, *for the term of one and twenty years, to license the exportation of all manner*

Patent granted 6 Eliz. to the Hamborough company.

Patent 28 Car. 2. to the countess of Portland for twenty one years.

of

of woollen clothes, white as well as coloured, though not barbed, rowed, shorn or dressed, without limitation as to price or number, with power to agree and compound with the exporter for the quantum *to be paid them for the licence to export the same: and whereas the last mentioned patent expired in or about the month of* May, *in the year of our Lord one thousand seven hundred and seven, since the expiration of which said patent, the officers of her Majesty's customs have put a stop to the exportation of all white clothes; and some doubts have arisen whether the same may be exported, notwithstanding the many good laws that have been made for the encouragement of the woollen manufacture: and whereas there are great quantities of white woollen clothes now ready to be shipt off, and exported into parts beyond the seas, where there is a great demand for the same, and it hath been the wisdom of this nation in all ages to give all due encouragement to the woollen manufacture thereof:* For preventing therefore of all doubts that have or may arise concerning the exportation of white woollen cloth, and for the better encouragement of the woollen manufacture of this kingdom, and employment of the poor, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That it shall and may be lawful for any person or persons whatsoever to export out of the kingdom of *Great Britain* or dominion of *Wales*, any white woollen cloth whatsoever, made or manufactured within the said kingdom of *Great Britain* or dominion of *Wales*; any law, statute, ordinance, custom, prescription or provision whatsoever to the contrary notwithstanding.

All white woollen cloth whatever made in Great Britain, &c. may be exported.

CAP. X.

An act for the better recruiting her Majesty's land forces and the marines, for the service of the year one thousand seven hundred and eight. EXP.

CAP. XI.

An act for continuing one half-part of the subsidies of tonnage and poundage, and other duties upon wines, goods and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles *the Second, and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds* per annum, *to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed.*

I. MOST *gracious Sovereign; whereas several subsidies of tonnage and poundage, and other duties and sums of money, upon wines, goods, and other merchandizes, were given and granted unto his late Majesty King* Charles *the Second (of blessed memory) for his life, by an act of parliament made in the twelfth year of his reign, intituled,* A subsidy granted to the King of tonnage and poundage and other sums of money payable upon merchandizes exported 12 Car. 2. c. 4.

exported and imported, *and by the book of rates thereunto annexed; which ſubſidies of tonnage and poundage, and other duties and ſums of money, upon wines, goods and merchandizes, as well exported as imported, (with ſome alterations) were by ſeveral ſubſequent acts of parliament granted to continue until the fifth day of* Auguſt, *one thouſand ſeven hundred and ten: and whereas by an act of parliament made in the fifth year of your Majeſty's reign, (intituled,* An act for continuing ſeveral ſubſidies, impoſitions, and duties, and for making proviſions therein mentioned, to raiſe money by way of loan, for the ſervice of the war, and other her Majeſty's neceſſary and important occaſions, and for aſcertaining the wine-meaſure) *the ſaid ſubſidies of tonnage and poundage, and other duties and ſums of money, were enacted to continue, and be payable to your Majeſty, for and upon all wines, goods and merchandizes, which ſhould be imported at any time or times between the laſt day of* July, *one thouſand ſeven hundred and ten, and the firſt day of* Auguſt, *one thouſand ſeven hundred and twelve: Now, We your Majeſty's moſt dutiful and loyal ſubjects the commons of* Great Britain *in parliament aſſembled having reſolved, that a further ſum, not exceeding one million two hundred and eighty thouſand pounds, be raiſed by ſale of annuities in the manner herein after mentioned, to wit, one million and twenty thouſand pounds thereof for the better enabling your Majeſty to defray the expence of the preſent war, and other your Majeſty's moſt neceſſary and important occaſions; and two hundred and ſixty thouſand pounds, reſidue thereof, to be applied in ſuch manner as is herein after mentioned, towards making good the payment of the annuities to be purchaſed upon this act,* have, for that end and purpoſe, cheerfully and unanimouſly given and granted, and do by this act give and grant unto your Majeſty the further ſubſidies, duties, and ſums of money herein after mentioned; and do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That over and above all other ſubſidies, additional duties, impoſitions, and payments whatſoever, by any former or other act or acts of parliament, or otherwiſe howſoever, already due or payable, or which ought to be paid to her Majeſty, for or upon any wines, goods, or merchandizes whatſoever, imported or to be imported, there ſhall be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty, her heirs and ſucceſſors, for and upon all wines, goods, and merchandizes, which at any time or times, from and after the laſt day of *July*, one thouſand ſeven hundred and twelve, within or during the term of ninety ſix years from thence next and immediately enſuing, ſhall be imported or brought into *Great Britain*, one moiety or half part of ſuch and the like ſeveral and reſpective ſubſidies, duties, and ſums of money, as by the ſaid act of the fifth year of her Majeſty's reign are charged or payable within or during the term or time thereby granted or limited, for or upon

5 Ann. c. 27.

1,280,000 l. to be raiſed by ſale of annuities, whereof 1,020,000 l. for the expence of the war, &c. and 260,000 l. for payment of annuities purchaſed on this act.

Half ſubſidy of tonnage and poundage continued from 31 July, 1712, for 96 years. *Perpetuated by* 1 Geo. 1. ſtat. 2. c. 12. ſ. 2.

5 Ann. c. 27. Surplus of money ariſing by this act, how appropriated.

7 Ann. c. 7. ſ. 32.

upon the like imported wines, goods, and merchandizes reſpectively; except ſuch goods and other merchandizes as by the ſaid act of the fifth year of her Majeſty's reign, or by any law now in force, are exempted from the payment of the ſubſidies or duties which were firſt granted in the twelfth year of the reign of King *Charles* the Second as aforeſaid. Except goods exempted by former acts. 12 Car. 2. c. 4.

II. And it is hereby enacted, That in all caſes where, by the ſaid act of the fifth year of her Majeſty's reign, or by any act relating thereunto, any drawbacks or abatements are to be made of the whole or any part of the duties thereby impoſed, upon any wines, goods or merchandiſes whatſoever, there ſhall be in the like caſes proportional drawbacks and abatements made of the whole or part of the duties by this act impoſed upon the ſame wines, goods, and merchandizes reſpectively; and that the ſeveral ſubſidies and duties by this act granted, during the continuance thereof, ſhall be raiſed, collected, levied, ſecured, and paid, within and throughout the kingdom of *Great Britain*, by the ſame ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch allowances, and ſubject to ſuch rules and directions as in and by the ſaid act of the fifth year of her Majeſty's reign, or by any other act or acts therein referred unto, are preſcribed or appointed, for the raiſing, collecting, levying, ſecuring, and paying the ſaid ſubſidies and duties granted by the ſaid act of the fifth year of her Majeſty's reign, during the continuance thereof; and that every article, rule, and clauſe contained in the ſaid act of the fifth year of her Majeſty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raiſing, collecting, levying, ſecuring, and paying the ſaid ſubſidies and duties thereby granted, during the continuance thereof, are and ſhall be by force of this act revived, and ſhall be uſed, exerciſed and put in practice, for the raiſing, levying, collecting, and anſwering the ſubſidies and duties granted or impoſed by this preſent act, during the ſaid term of ninety ſix years, and all arrearages thereof from time to time, as fully and effectually as if the ſame articles, rules, and clauſes, and every of them, were again particularly and at large recited and re-enacted in the body of this preſent act; except only as to ſuch of the ſaid articles, rules, and clauſes, touching which other proviſions, alterations, or exemptions are made by any act or acts of parliament now in being, which other proviſions, alterations, or exemptions ſhall be obſerved with reſpect to the duties hereby granted, during the continuance of this act, in the ſame manner as they are to be obſerved with reſpect to the ſaid ſubſidies formerly granted as aforeſaid.

The ſame drawbacks, &c. allowed.

Former powers revived.

5 Ann. c. 27.

Except where other proviſion is made.

III. And for the better and more ſure payment of all the annuities to be purchaſed on this act, be it further enacted by the authority aforeſaid, That all the monies ariſing from time to time by or for the further ſubſidies and duties by this act granted or payable (the neceſſary charges of managing, raiſing, levying, collecting, anſwering, paying, and accounting for the ſame only excepted) ſhall from time to time, from and after the

Monies to be paid into the Exchequer ſeparately.

commencement thereof, for and during the ſaid term of ninety ſix years therein granted, be brought and paid by the receiver general, or ſuch perſon or perſons as for the time being ſhall have the receipt thereof (who are hereby required and enjoined to bring and pay the ſame as it ſhall be raiſed) into the receipt of the Exchequer, for the purpoſes in this act expreſſed, diſtinctly and ſeparately from all other monies whatſoever that are or ſhall be payable by him or them into the ſaid receipt.

After the principal, &c. charged by 5 Ann. c. 27. are paid off, then the half ſubſidy to be paid weekly into the Exchequer.

IV. And be it enacted by the authority aforeſaid, That from and immediately after the time that all the principal and intereſt monies which by the ſaid act of the fifth year of her Majeſty's reign are charged upon the aforeſaid ſubſidies of tonnage and poundage thereby granted, ſhall be ſatisfied and paid off, or that money ſhall be reſerved in the Exchequer ſufficient for that purpoſe, then one moiety or half part of the aforeſaid ſubſidies of tonnage and poundage, to ariſe by the ſaid act of the fifth year of her Majeſty's reign, for the remainder of the term thereby granted, and therein then to come and unexpired (except the neceſſary charges of raiſing, collecting, levying, and accounting for the ſame) ſhall in like manner from time to time be brought and paid into the receipt of the Exchequer for the purpoſes in this act expreſſed diſtinctly and apart as aforeſaid, and the ſaid receiver and receivers general, or other perſons who ſhall have the receipt of the ſaid moiety or half part of the ſaid ſubſidies and duties by this or the ſaid former act granted, and hereby required to be paid into the receipt of the Exchequer as aforeſaid, ſhall make or cauſe to be made the payments thereof into the ſaid receipt of the Exchequer, according to the true meaning of this act, weekly, to wit, on *Wedneſday* in every week, if it be not an holy-day, and if it be, then on the next day after that is not an holy-day.

260,000l. reſerved for diſcharging the quarterly payments.

V. And for the better ſecuring the quarterly payments which ſhall grow due upon the annuities to be purchaſed in purſuance of this act, before the monies ariſing by the half-ſubſidies and duties before-mentioned can take place for payment of the ſame, be it enacted by the authority aforeſaid, That the ſaid ſum not exceeding two hundred and ſixty thouſand pounds, part of the contribution monies to be raiſed by ſale of annuities upon this act, or ſo much thereof as ſhall be ſufficient in this behalf, ſhall and may be reſerved and applied for and towards the diſcharging the quarterly payments laſt-mentioned.

The half ſubſidy, &c. appropriated for payment of the annuities.

VI. And be it further enacted by the authority aforeſaid, That the ſaid half ſubſidies and duties by this act appointed to be paid into the Exchequer weekly for the purpoſes in this act contained, as aforeſaid, and the ſaid ſum not exceeding two hundred and ſixty thouſand pounds hereby directed to be reſerved out of the contribution-money as aforeſaid, or ſo much of the ſame ſubſidies, duties, and reſerved monies as ſhall be ſufficient for anſwering the full and due payment of all the annuities to be purchaſed on this act, and all arrearages thereof from time to time incurred, are and ſhall be by virtue of this act, liable and

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appropriated thereunto, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the penalties, forfeitures, and diſabilities in this act expreſſed; and all the monies ariſing by the ſaid half ſubſidies, duties, and proviſions hereby made, out of which the ſaid annuities to be purchaſed upon this act are to be ſatisfied, ſhall be fairly and duly entred in one or more book or books to be kept in the offices of the auditor of the receipt, and clerk of the pells for that purpoſe, to which all perſons concerned at all ſeaſonable times ſhall have free acceſs, without fee or charge.

To be entred in a book, &c.

VII. And to the end all the monies by this act appropriated for payment of the annuities to be purchaſed on this act, may be duly and certainly raiſed and brought into the receipt of the Exchequer for that purpoſe, it is hereby further enacted, That from time to time, during the continuance of this act, there ſhall be continued or appointed commiſſioners, and a receiver or receivers general, as alſo comptrollers, collectors, and other proper officers for raiſing the ſeveral half ſubſidies and duties by this act intended for the payment of the annuities to be purchaſed thereupon, and for keeping the accounts of the ſame; and that all commiſſioners, receivers general, comptrollers, collectors, and other officers, who are or ſhall be concerned in the managing, raiſing, levying, receiving, collecting, or paying the ſame, or in keeping the accounts thereof, ſhall perform their ſeveral and reſpective duties therein, as to them reſpectively ſhall appertain, under ſuch and the like penalties, forfeitures, and diſabilities, for any offence or neglect therein, or for detaining diverting, or miſapplying any part of the ſaid monies, as are preſcribed and to be inflicted by virtue of an act of parliament made and paſſed in the ninth year of the reign of his late majeſty King *William* the Third, of glorious memory (intituled, *An act for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds* per centum per annum, *and for ſettling the trade to the* Eaſt Indies) for the like offence or neglect in relation to the duties upon ſalt, and other duties upon ſtampt vellum, parchment, and paper thereby granted, or for detaining, diverting, or miſapplying any part of the monies which were granted by the act laſt-mentioned.

Commiſſioners and other officers, &c. to be appointed.

Who ſhall be ſubject to the penalties, &c. in 9 & 10 W. 3. c. 44.

VIII. And for the raiſing any ſum or ſums of money, not exceeding in the whole the ſaid ſum of one million and two hundred and eighty thouſand pounds, for ſuch uſes as aforeſaid, it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majeſty's Exchequer for her Majeſty's uſe, at or before the reſpective days and times in this act limited in that behalf, any ſum or ſums of money, not exceeding in the whole the ſaid ſum of one million two hundred and eighty thouſand pounds, for purchaſing any annuity or annuities to be paid and payable during the full term of ninety nine years, to be reckoned from the four and twentieth day of

Any perſons may lend 1,280,000 l. for purchaſing annuities at 16 years purchaſe.

June, in the year of our Lord one thouſand ſeven hundred and eight, at the rate of ſixteen years purchaſe, which rate doth amount to the ſum of one hundred and ſixty pounds for every ſuch annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the ſame rate, or conſideration-money, is hereby appointed to be paid into the ſaid receipt, at or before the reſpective days or times herein after mentioned; that is to ſay, one fourth part thereof on or before the twentieth day of *April*, in the year of our Lord one thouſand ſeven hundred and eight; one other fourth part thereof on or before the two and twentieth day of *June*, in the year of our Lord one thouſand ſeven hundred and eight; one other fourth part thereof on or before the twentieth day of *Auguſt* in the year of our Lord one thouſand ſeven hundred and eight; and the remaining fourth part thereof on or before the twentieth day of *October*, in the year of our Lord one thouſand ſeven hundred and eight: all which annuities ſo to be purchaſed, ſhall not exceed in the whole the ſum of eighty thouſand pounds *per annum*, and ſhall be paid and payable at the four moſt uſual feaſts or days of payment in the year; that is to ſay, the feaſt of St. *Michael* the archangel, the birth of our Lord Chriſt, the annunciation of the bleſſed virgin *Mary*, and the nativity of Saint *John* Baptiſt, by even and equal portions; the firſt payment thereof to be due at the feaſt of St. *Michael* the archangel, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight.

Times of payment.

Annuities not to exceed 80,000 l. per annum, and to be paid quarterly. *In part ſubſcribed into* South Sea ſtock *purſuant* to 6 Geo. 1. c. 4.

Contributors names to be entred, &c.

IX. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer ſeverally, there ſhall be provided and kept a book or books, in which there ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums upon this act, and alſo the ſum ſo paid: to which book it ſhall be lawful for the ſaid reſpective contributors, their executors, adminiſtrators, and aſſigns, from time to time, and at all ſeaſonable times, to have reſort, and to inſpect the ſame without fee or reward.

Annuities charged upon the half ſubſidy, &c.

X. And be it further enacted by the authority aforeſaid, That all and every the annuities whatſoever, which ſhall be purchaſed upon or in purſuance of this preſent act, ſhall be and are hereby charged upon, and ſhall be paid and payable from time to time in the firſt place, and with preference to all other payments whatſoever, out of the monies ariſing from time to time, of or for the ſaid half ſubſidies, and other duties appointed to be brought in weekly for that purpoſe, as aforeſaid, and out of the ſaid ſum of the contribution-money hereby appointed to be reſerved, as aforeſaid; and ſo much of the ſaid half ſubſidies, duties, and reſerved monies ſo appointed, as ſhall be ſufficient to ſatisfy and diſcharge all the annuities to be purchaſed on this act, and all the arrearages thereof, at any time due or owing, are and ſhall be, by virtue of this act, appropriated and applied to and for ſatisfying and diſcharging of the ſame annuities, and ſu[illegible] ar-

rearages

rearages thereof accordingly, and ſhall be iſſued, diſpoſed, and applied to that uſe, and to no other uſe, intent, or purpoſe whatſoever, under the penalties, forfeitures, and diſabilities in this act expreſſed; any thing herein contained, or other matter or thing whatſoever, to the contrary notwithſtanding.

Surplus to be applied to publick uſe. *Farther proviſions relating hereto.* 7 Annæ, c. 7. ſ. 32.

XI. Provided always, and it is hereby enacted by the authority aforeſaid, That if at the end of any quarter of a year of the term for which the annuities upon this act are to be purchaſed, the monies ariſing at the Exchequer of or for the ſaid half ſubſidies and duties by this act appropriated (the contribution-money to be reſerved, as aforeſaid, being excepted) ſhall exceed all the monies then due for or upon the ſame annuities, and all arrearages thereof, then or at any time or times before that time incurred, ſo that there ſhall be an exceſs or ſurplus remaining in the Exchequer, ſuch exceſs or ſurplus ſhall be diſpoſable from time to time for the publick uſe and ſervice, and not otherwiſe; any thing herein contained to the contrary notwithſtanding.

Contributors entitled to the annuities, &c.

XII. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, duly paying the conſideration or purchaſe-money at the rate aforeſaid, at or before the reſpective days or times in this act limited in that behalf, for any ſuch annuity or annuities as aforeſaid, or ſuch as he, ſhe, or they ſhall appoint, his, her, or their reſpective executors, adminiſtrators, ſucceſſors, and aſſigns, ſhall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy the reſpective annuity and annuities ſo to be purchaſed out of the monies by this act appropriated or appointed for the payment thereof, during the ſaid whole term of ninety nine years, to be purchaſed therein, as is above-mentioned; and that all and every ſuch purchaſers, their executors, adminiſtrators, and aſſigns reſpectively, ſhall have good and ſure eſtates and intereſts in the ſeveral annuities ſo by them to be purchaſed according to the tenor and true meaning of this act; and that all the ſaid annuities to be purchaſed on this act, and every of them, during the term aforeſaid, ſhall be free from all taxes, charges, and impoſitions whatſoever.

Tax-free.

And to have tallies and orders ſtruck, &c.

XIII. And be it further enacted by the authority aforeſaid, That every contributor upon this act for any annuity or annuities as aforeſaid, his, her, or their executors, adminiſtrators, or aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, at the rate aforeſaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, ſhall immediately have one or more tally or tallies levied, importing the receipt of ſo much conſideration-money as ſhall be ſo paid; and upon payment of all the purchaſe-money for any ſuch annuity or annuities, at the rate aforeſaid, every ſuch contributor, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns reſpectively, ſhall have an order for paying of the ſaid annuity and annuities, for and during the ſaid term of ninety nine years, to be purchaſed therein; which order ſhall be ſigned by the treaſurer and under treaſurer of the Exchequer,

or any three or more of the commiſſioners of the treaſury for the time being; and after the ſigning thereof, the ſame ſhall be good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any treaſurer or under treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office, or offices of them or any of them; nor ſhall any lord high treaſurer of *Great Britain*, treaſurer of the Exchequer, or any commiſſioners of the treaſury now or for the time being, have power to revoke, countermand, or make void ſuch orders ſo ſigned as aforeſaid, or any of them.

5 per cent. for prompt payment before 20 April, 1708.

XIV. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer the ſums by them intended to be advanced upon this act, it is provided and enacted by the authority aforeſaid, That every ſuch contributor who ſhall advance and pay into the ſaid receipt of Exchequer, all or any part of the purchaſe-money payable for any ſuch annuity or annuities as aforeſaid, before the ſaid twentieth day of *April*, in the year of our Lord one thouſand ſeven hundred and eight, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be allowed and paid out of the contribution-money ariſing by this act, intereſt after the rate of five pounds *per centum per annum* for the prompt payment of the money ſo advanced, from the time of the actual advancing and paying the ſame, until the ſaid twentieth day of *April*, one thouſand ſeven hundred and eight.

Annuities aſſignable, &c.

XV. And be it further enacted, That it ſhall and may be lawful to and for any contributor or contributors, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, at any time or times, during the continuance of his, her, or their term, eſtate, or intereſt of and in any annuity to be purchaſed upon this act, by any writing under his, her, or their hands and ſeals, or under the common ſeal of a corporation, or by his, her, or their laſt will in writing, to aſſign or deviſe ſuch annuity, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*, and no ſuch aſſignment to be revocable, ſo as an entry or memorandum of ſuch aſſignment or will be made in books to be kept for that purpoſe in the ſaid office of the auditor of the receipt, within the ſpace of three months after ſuch aſſignment, or death of the deviſor; and that upon producing ſuch aſſignment, or will, or probate thereof, in the ſaid office of receipt, to be entred as aforeſaid, the party ſo producing the ſame ſhall bring therewith an affidavit taken before one or more of her Majeſty's juſtices of the peace, of the due execution of the ſaid aſſignment or will, which affidavit ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum the proper officers in the ſaid receipt of Exchequer are hereby required to make accordingly, and to file the ſaid affidavits; and in default of ſuch aſſignment or deviſe by deed or will, the

the intereſt of ſuch contributor ſhall go to his or her executors or adminiſtrators.

XVI. And it is hereby enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe and benefit of ſuch infant, to advance and pay the ſum of one hundred and ſixty pounds of the money of ſuch infant, to purchaſe an annuity upon this act, for the benefit of ſuch infant, and the ſaid guardian or truſtee, as to the ſaid ſum of one hundred and ſixty pounds ſo advanced, is hereby diſcharged. Guardians may advance 160l. for benefit of infant.

XVII. And be it further enacted, for the better encouragement of perſons to advance the monies on this act, That all receipts and iſſues, and all other things directed by this act to be performed in the Exchequer, ſhall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity or reward for the ſame; and in caſe any of the officers of the Exchequer ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the monies of the ſaid half ſubſidies, and other duties or monies hereby appropriated, or any part thereof, which ſhould make good the payment of the ſaid annuities, or ſhall pay or iſſue out the ſame otherwiſe than according to the intent of this act, or ſhall not keep books or regiſters, and make entries, and do and perform all other things which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for ever uncapable of any office or place of truſt, and ſhall anſwer and pay treble damages to every contributor or perſon who ſhall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of reſtraint, or more than one imparlance ſhall be granted or allowed; and in the ſaid action the plaintiff upon recovery ſhall have full coſts; one third of which ſum to be recovered for damages ſhall be to the uſe of her Majeſty, her heirs and ſucceſſors, and the other two third parts, with the coſts, ſhall be to the uſe of the proſecutor; and in caſe there ſhall be any colluſion or feint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor, his or her executors, adminiſtrators, or aſſigns, to bring another action, wherein he or ſhe ſhall recover as aforeſaid, to the like uſes as aforeſaid. Officers of the Exchequer to take no fee, &c. Penalty.

XVIII. Provided always, That no perſon or perſons whatſoever ſhall or may purchaſe or obtain, or be admitted to purchaſe or obtain any annuity whatſoever upon this act, unleſs the whole, or one fourth part at leaſt of the conſideration-money for the ſame, at ſuch rate as aforeſaid, be advanced and paid into the ſaid receipt of Exchequer on or before the ſaid twentieth day of *April*, one thouſand ſeven hundred and eight. No purchaſe unleſs one fourth be paid by 20 April, 1708.

XIX. Provided alſo, That in caſe any ſuch contributor as aforeſaid, who ſhall on or before the ſaid twentieth day of *April*, one thouſand ſeven hundred and eight, have advanced one fourth part Contributor paying one fourth part, and not the

remainder, forfeits what is paid.

part of his or her purchaſe-money, or his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, do not advance and pay into the ſaid receipt of Exchequer one other fourth part of his or her conſideration-money, ſo to be paid for ſuch reſpective annuity or annuities as aforeſaid, on or before the ſaid two and twentieth day of *June*, one thouſand ſeven hundred and eight; and one other fourth part thereof on or before the ſaid twentieth day of *Auguſt*, one thouſand ſeven hundred and eight; and the remaining fourth part thereof on or before the ſaid twentieth day of *October*, one thouſand ſeven hundred and eight; then, and in every ſuch caſe reſpectively, no order ſhall be drawn or ſigned for ſuch reſpective annuity, for which the conſideration-money ſhall not be fully paid as aforeſaid; but ſo much of the conſideration-money as ſhall have been actually paid into the receipt of the Exchequer for ſuch reſpective annuity, ſhall be forfeited to her Majeſty, her heirs and ſucceſſors, and ſhall be applied, together with other the monies to be raiſed by this act, for ſuch publick ſervices as aforeſaid; any thing in this act contained to the contrary notwithſtanding.

Treaſury may reward officers, clerks, &c. out of the ſurplus of duties, &c.

XX. Provided alſo, and it is hereby enacted, That it ſhall and may be lawful to and for the treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, out of the ſaid half ſubſidies and other duties by this act appropriated for making good the ſaid fund, not exceeding eighty thouſand pounds *per annum*, which ſhall ariſe over and above ſo much as ſhall be ſufficient to make up the ſaid yearly fund for diſcharging all the annuities to be purchaſed on this act, to reward the officers, clerks, and others to be employed in the payment of the ſaid annuities, or the accounts thereof, for their labour, pains, charges, and ſervice therein reſpectively, and to defray all other the neceſſary charges incident to the payment of the ſaid annuities, as to the ſaid treaſurer or commiſſioners of the treaſury for the time being ſhall ſeem meet and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding.

XXI. *And whereas in and by the ſaid act of the fifth year of her ſaid Majeſty's reign, a credit was given for any ſums not exceeding eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings and ſix pence farthing, to be borrowed at an intereſt, after the rate of ſix pounds* per centum per annum, *upon the ſeveral ſubſidies, impoſitions, and duties in that act mentioned, and the lord high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, are thereby authorized and directed to cauſe the officers of the receipt of Exchequer to receive from time to time by way of loan, at the like intereſt, at the ſaid receipt, any further ſum and ſums of money over and above the ſaid ſum of eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings, and ſix pence farthing, as ſhould be ſufficient to make good the payment of all the intereſt monies appointed or allowed by that act, every three months, until the ſubſidies, impoſitions, and duties therein mentioned ſhould come into the Exchequer, and be ſufficient for that purpoſe,*

poſe, purſuant to the true intent and meaning of that act: now it is hereby provided and enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend to the taking away, altering, or leſſening the ſaid power and direction of borrowing monies to make good the payment of the ſaid intereſt every three months, until the ſaid ſubſidies, impoſitions, and duties in the ſaid recited act mentioned ſhall come in and be ſufficient for that purpoſe as aforeſaid, or in any wiſe to alter or prejudice the ſecurity given by the ſaid act of the fifth year of her Majeſty's reign, for the repayment or ſatisfaction of the ſame, or any other the principal or intereſt monies, which were ſecured, or intended to be ſecured by that act, and that the orders for the ſame ſhall be regiſtred in courſe, and paid in the ſame manner as if this act had not been made; this preſent act, or any thing therein contained, or any other matter or thing whatſoever, to the contrary in any wiſe notwithſtanding.

Clauſe of credit in 5 Annæ, f. 8, not leſſened by this act.

XXII. *And whereas ſeveral tickets, commonly called* Million lottery tickets, *and* Malt lottery tickets, *which are ſtill unpaid, and ſeveral bills called* Exchequer bills, *not yet diſcharged, alſo divers ſorts of bills or certificates, commonly called* Debentures, *made forth for arrears due to the army, and for tranſport ſervices, not being applied to the purchaſing of any of the forfeited eſtates in* Ireland, *or otherwiſe diſcharged, and alſo divers tallies and orders for payment of annuities granted by acts of parliament, are by caſualty or miſchance loſt, burnt, or otherwiſe deſtroyed*; be it hereby further enacted, That in all caſes where it ſhall appear by affidavit, to be made before any of the barons of the Exchequer for the time being, to the ſatisfaction of ſuch baron or barons, That any ſuch tickets, bills, debentures, tallies, or orders, as aforeſaid, before the third day of *March*, one thouſand ſeven hundred and ſeven, have been or are loſt, burnt, or otherwiſe deſtroyed, it ſhall and may be lawful for the reſpective officers or perſons appointed to iſſue and make forth the ſaid tickets, bills, debentures, tallies, or orders, or to pay and diſcharge the ſame, or to iſſue any monies due and payable thereon, upon the producing of a certificate from any of the ſaid barons of ſuch affidavit made before him (which affidavit the ſaid barons, or any of them, is and are hereby authorized to take, and which certificate he or they are hereby required to make and grant without fee or reward) and on ſecurity given to the ſaid reſpective officers and perſons to their good liking, to indemnify them reſpectively againſt all other perſons whatſoever, for or concerning the monies ſpecified in, or due upon ſuch reſpective ticket or tickets, bill or bills, debenture or debentures, talley or tallies, order or orders, they the ſaid officers and perſons reſpectively, ſhall and are hereby required to make forth duplicates of the ſaid tickets, bills, debentures, or orders, and to innovate the ſaid tallies, at the requeſt of the reſpective owners, and to pay and diſcharge the ſaid tickets, bills, debentures, tallies, and orders, and all ſuch intereſt as is or ſhall be due on the ſaid tickets, bills, debentures, orders, carrying intereſt, as he or they ſhould have paid and diſcharged

Lottery tickets, Exchequer bills, debentures, &c. burnt or loſt and not diſcharged, new ones to be made forth in lieu of ſuch ſo loſt, &c.

On affidavit and certificate, &c.

Officers to pay the ſame.

discharged on the said original bills, tickets, debentures, tallies, or orders, if the same had been produced, and shall be allowed the same in all their respective accounts; and if there shall not be any proper officer or person to make forth the said duplicates, or any of them, that the lord high treasurer of her Majesty, her heirs or successors, or the commissioners of the treasury for the time being, or any three of them, shall and are hereby authorized and required upon such affidavit and security, as aforesaid, to order and direct any such duplicates to be made forth, in such manner as he or they shall judge to be best; all which matters and things shall be done without fee or reward to be taken or demanded for the same; any thing in this or any other act of parliament contained to the contrary thereof in any wise notwithstanding.

Without fee.

Irish debentures not registred within times limited, may be registred before 24 June, 1708. 4 Annæ, c. 24.

XXIII. *And whereas several officers and other proprietors of debentures made forth by the late paymaster of the army, commissioners for transports, and by the commissioners of accounts, in that behalf authorized respectively, have omitted to register the said debentures within the time limited by act of parliament for that purpose made and passed in the fourth year of her present Majesty's reign, intituled,* An act to enlarge the time for registring unsatisfied debentures upon the forfeited estates in *Ireland*, and for renewing of other debentures which have been lost, burnt, or destroyed; for the relief therefore of all such officers and other proprietors of the said unregistred debentures, be it enacted by the authority aforesaid, That it shall and may be lawful to and for all such officers and other proprietors of any of the said debentures, who have not registred the same, to register their debentures on or before the four and twentieth day of *June*, one thousand seven hundred and eight; which said debentures being so registred, shall, and are hereby, entitled to all the benefit of interest and other advantages, as if registred on or before the four and twentieth day of *March*, one thousand seven hundred and six.

Purchasers having paid one fourth part, &c. may have advanced all or any the quarterly payments, due before 29 Sept. 1711. deducting 4 l. per cent.

XXIV. Provided always, and be it enacted and declared by the authority aforesaid, That in case any purchaser or purchases of any annuity or annuities upon this act, having paid one fourth part or more of the purchase-money hereby appointed to be paid for the same, shall be minded and desirous to be paid by way of advance out of the monies by this act appointed to be reserved (when such money shall be reserved) as aforesaid, all or any of the quarterly payments to grow due upon such annuity or annuities at or before *Michaelmas*, one thousand seven hundred and eleven, then an order shall be forthwith drawn and signed, according to the course of the Exchequer, and satisfied, for the immediate paying, by way of advance, such quarterly payments, as aforesaid, out of the said reserved monies, deducting for the uses of this act, upon every quarterly payment so to be advanced, so much as an interest after the rate of four pounds *per centum per annum* shall amount unto, from the time of such advance, until such quarterly payments respectively would grow due

due by the days of payment limited for the ſame by this act; any thing in this act contained to the contrary notwithſtanding.

CAP. XII.

An act to explain the act of the laſt ſeſſion of parliament, for the eaſe of her Majeſty's ſubjects in relation to allowances out of the duties upon ſalt carried coaſtwiſe, and alſo an act of the firſt year of her Majeſty's reign, in relation to certain ſalt works near the ſea-ſide and bay of Holy-head *in the county of* Angleſea.

I. WHEREAS *by an act paſſed the laſt ſeſſion of parliament, intituled,* An act for the eaſe of her Majeſty's ſubjects in relation to the duties upon ſalt, and for making the like allowances upon the exportation of white herrings, fleſh, oatmeal, and grain called beer, *alias* bigg, as are to be made upon exportation of the like from *Scotland*; *it was provided and enacted, That any perſon that ſhall ſhip any* Engliſh *white ſalt or rock ſalt to be carried coaſtwiſe, after the firſt day of* May, *one thouſand ſeven hundred and ſeven, from one port of* England *or* Wales, *or the port of* Berwick *upon* Tweed, *to any port of* England *or* Wales *or* Berwick *upon* Tweed, *the duties having been paid or ſecured to be paid, according to former laws, ſhall have an allowance made to him after the rate of three buſhels for every forty buſhels of* Engliſh *white ſalt, and after the rate of one buſhel and an half for every forty buſhels of* Engliſh *rock ſalt ſo ſhipped to be carried coaſtwiſe, and proportionably for a greater or leſs quantity, in conſideration of the ordinary waſte in the carriage thereof; which allowance ſhall be but once made for the ſame ſalt, although ſuch ſalt ſhall be carried from ſeveral ports coaſtwiſe, as aforeſaid: and whereas there has been ſome doubt in relation to the allowance for the ordinary waſte of ſalt, where the ſaid ſalt has been ſhipped to be carried to a member of the ſame port, though at a conſiderable diſtance from the ſame*; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all perſons that ſhall (from and after the firſt day of *March*, one thouſand ſeven hundred and ſeven) ſhip ſalt to be carried coaſtwiſe by cocket or tranſire, twenty miles by ſea or more, or from the port of *Great Yarmouth* in the county of *Norfolk* to *Loweſtoff*, or *Southwold Bay* in the county of *Suffolk*, although unto a member or creek of the port from whence it was firſt ſhipped off, ſhall have an allowance after the rate of three buſhels for every forty buſhels of *Engliſh* white ſalt, and after the rate of one buſhel and an half for every forty buſhels of *Engliſh* rock ſalt ſo ſhipped to be carried coaſtwiſe, and proportionably for a greater or leſſer quantity, in conſideration of the ordinary waſte in the carriage thereof, the duties having been firſt paid, or ſecured to be paid, according to former laws; which allowance ſhall be but once made for the ſame ſalt, although ſuch ſalt ſhall be

5 Annæ, c. 29.

Ordinary waſte of ſalt.

Allowances for ſalt carried coaſtwiſe 20 miles, or from Yarmouth to Loweſtoff or Southwold Bay.

be carried coaſtwiſe from ſeveral ports as aforeſaid, or members or creeks of ports.

1 Annæ, ſtat. 2. c. 21. ſ. 10.

II. *And whereas by an act made in the firſt year of the reign of her preſent Majeſty, it is enacted, That no rock ſalt whatſoever ſhall be refined or made into white ſalt in any place or places whatſoever, within the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *except in ſuch places as are or ſhall be within ten miles diſtance of the reſpective pit or pits from whence ſuch rock ſalt ſhall be taken, or at ſuch places as, on or before the tenth day of* May, *one thouſand ſeven hundred and two, ſhall have been uſed for the refining of rock ſalt, under a penalty therein expreſſed: and whereas certain ſalt works have been with great charges erected near the ſea-ſide and bay of* Holy-head *in the county of* Angleſea *in* North Wales, *for the making of white ſalt from ſea water; and upon ſeveral occaſions rock ſalt is very uſeful to ſtrengthen the brine in the ſaid works, when weakened by freſh water, or other accidents; but the proper uſe of the ſaid ſalt works not being for the refining rock ſalt, it hath been doubted whether rock ſalt might be there uſed:* for preventing ſuch doubts for the future, be it enacted by the authority aforeſaid, That rock ſalt may be ſo uſed in the making ſalt from ſea water in the ſaid ſalt works near *Holy-head* aforeſaid, any thing in the ſaid act, or in any other law or ſtatute to the contrary notwithſtanding, ſo as her Majeſty's duties for all the ſalt proceeding as well from the ſaid rock ſalt as from the ſea water be duly charged, anſwered, and paid to her Majeſty's uſe.

8 Geo. 2. c. 12. ſ. 2.

Rock ſalt may be uſed in making ſalt in ſalt works near Holy-head.

5 Annæ, c. 29. ſect. 6.

III. *And whereas by the ſaid act it is enacted, That for all white herrings which ſhall from and after the firſt day of* May, *one thouſand ſeven hundred and ſeven, be exported from any part or place in the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *to parts beyond the ſeas, by any perſon or perſons whatſoever, there ſhall be the like allowances as are to be made upon the exportation of white herrings from* Scotland, *upon the oath of the exporter or his agent, taken before the principal officers of the port from whence the ſame are exported, that ſuch herrings were cured with ſalt for which the duties have been paid, and not drawn back, and that the ſame are really exported to parts beyond the ſeas, and not relanded or intended to be relanded in* England, Wales, *or* Berwick *upon* Tweed: *and whereas many of her Majeſty's ſubjects cannot have the benefit that was intended for them by the ſaid act, in regard the ſalt with which the white herrings are ſalted in many parts of* England *paſs through many hands, and the perſons who export ſuch herrings buy the ſame already cured of perſons to whom they are ſent to be ſold and diſpoſed of at ports far diſtant from the places where they are cured, and by reaſon thereof ſuch exporters are uncapable of making ſuch oath as by the act is required:* for remedy whereof, be it enacted by the authority aforeſaid, That for all white herrings which ſhall from and after the five and twentieth day of *March*, one thouſand ſeven hundred and eight, be exported from any port or place in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, to parts beyond the ſeas, by any perſon or perſons whatſoever, there ſhall be the allowances made

Allowance to be made on exportation of white herrings.

as are directed by the ſaid act to be paid, by the officer appointed to collect the duties upon ſalt in the ſame port, at ſuch times, and in ſuch manner, and upon ſuch debenture, and ſo verified, as in the ſaid act is directed, upon oath of the exporter, or his agent, to be firſt taken, in manner as in the ſaid act is expreſſed, That he bought the herrings in ſuch debenture mentioned, and that the ſame were cured with ſalt for which the duties had been paid, and not drawn back, to the beſt of his knowledge and belief, and that the ſame are really exported to parts beyond the ſeas, and not relanded, or intended to be relanded, in *England*, *Wales*, or *Berwick* upon *Tweed*, in which oath ſhall be inſerted the name of the perſon or perſons of whom the ſaid herrings were bought.

CAP. XIII.

An act for the better ſecuring the trade of this kingdom by cruiſers and convoys. EXP.

Forty three ſhips of war to be employed as cruiſers in proper ſtations, as lord high admiral ſhall direct, &c. Ships to be careened three times a year. In caſe of neceſſity, lord admiral may order any of the ſaid ſhips to be employed in the line of battle. Commiſſioners of the navy to be appointed to take care of cruiſing ſhips, and ſend account, within eight days after meeting of parliament, when ſuch ſhips ſailed out of port, &c. Lord admiral to nominate the number of cruiſing ſhips by 26 March, 1708. and afterwards yearly between 1 November and 1 December during the war. If taken or loſt, to appoint others. For encouragement of the ſea ſervice, officers and ſeamen of Queen's ſhips, privateers, &c. to have the ſole property in all prize ſhips. Proviſo touching appraiſement of prize ſhips taken into Queen's ſervice. Treaſurer of the navy to pay 5 l. for every man on board ſhip taken from the enemy. Not to exempt prize ſhips or goods from payment of cuſtoms. Such goods to be brought on ſhore, and put into the Queen's warehouſes, &c. until appraiſed and ſold. After ſale, notice to be given for payment to captors, &c. Shares not demanded in three years, to go to Greenwich Hoſpital. *Farther proviſion for Greenwich Hoſpital*, 10 Annæ, c. 17. ſect. 9. To whom bills for prize ſhips taken into the Queen's ſervice, &c. and the 5 l. per man, ſhall be made payable. Commander, &c. imbezling prize goods to forfeit treble the value. *To continue during the war.* 10 Ann. c. 17. ſ. 14.

CAP. XIV.

An act for the better ſecurity of her Majeſty's perſon and government.

FOR *the better ſecurity of her Majeſty's perſon and government againſt the practices and attempts, of all perſons who ſhall be ſuſpected to be diſaffected and dangerous to the ſame*, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all officers civil and military, in that part of the kingdom of *Great Britain*, commonly called *Scotland*, ſhall be obliged to take the following oath: This act enlarged by 8 Ann. c. 15. Officers civil and military in Scotland to take the oath.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, That our ſovereign lady Queen* Anne *is lawful and rightful Queen of this realm, and of all other her Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe in my conſcience* And by 10 Ann. c. 12. ſ. 6. patrons of livings muſt take this oath.

By 10 Ann. c. 2. f. 10. Advocates. Altered by 1 Geo. 1. c. 13.

science, the person pretended to be prince of Wales, *during the life of the late King* James, *and since his decease pretending to be, and taking upon himself the stile and title of King of* England, *by the name of* James *the Third, or of* Scotland *by the name of* James *the Eighth, or the stile and title of King of* Great Britain, *hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to her majesty Queen* Anne, *and her will defend to the utmost of my power against all traiterous conspiracies and attempts whatsoever which shall be made against her person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to her Majesty and her successors all treasons and traiterous conspiracies, which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against him the said* James, *and all other persons whatsoever, as the same is and stands*

1 W. & M. st. 2. c. 2. 12 & 13 W. 3. c. 2.

settled by an act, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown to her present majesty, and the heirs of her body, being protestants; *and as the same by one other act, intituled,* An act for the further limitation of the crown, and better securing the rights and liberties of the subject, *is and stands settled and entailed after the decease of her Majesty, and for default of issue of her Majesty, to the princess* Sophia, *electress and dutchess dowager of* Hanover, *and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgement, abjuration, renunciation and promise, heartily, willingly, and truly, upon the true faith of a christian.*

So help me God.

Before whom oath shall be taken.

II. And be it further enacted by the authority aforesaid, That all such persons now having or bearing any the offices aforesaid, and who in respect thereof have been or are obliged and required to take in *Scotland* an oath, called, *The oath of allegiance and assurance*, before the privy council there, shall be obliged, on or before the twentieth day of *April*, one thousand seven hundred and eight, to take and subscribe the oath hereby appointed, before that privy council while it shall continue, and after the determination thereof, before and in the court of the lords of session, or the court of justiciary, or the court of Exchequer there; and all others now in any other the offices aforesaid, who in respect thereof have used and been obliged to take the said oath of allegiance and assurance in any other court or place, shall be, and are hereby required and obliged to take and subscribe the same at the next quarter sessions of the peace which

shall

ſhall be held for any county or place in which any ſuch officer ſhall be reſident or abiding.

All perſons in 3 months after admittance to office to take the oath.

III. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons whatſoever, who ſhall hereafter be admitted into any office, civil or military, within that part of *Great Britain* called *Scotland*, ſhall within three months after his admittance into any ſuch office take and ſubſcribe the oath hereby appointed in the courts above-mentioned reſpectively, according to the diſtinction above-mentioned for perſons now in office to take the ſame.

Courts to adminiſter the oath, &c.

IV. And be it further enacted by the authority aforeſaid, That the ſaid reſpective courts ſhall from time to time adminiſter the ſaid oath to ſuch perſons as ſhall tender themſelves to take the ſame, and ſhall keep proper rolls of parchment, in which the ſubſcriptions of all perſons taking the ſaid oaths ſhall from time to time be made; to which all perſons may have free acceſs without fee or reward.

Perſons refuſing to take the oath, diſabled.

V. And be it further enacted by the authority aforeſaid, That every perſon hereby required to take and ſubſcribe the oath aforeſaid, and neglecting or refuſing ſo to do, at ſuch times, and in ſuch manner as is above directed, ſhall be adjudged incapable and diſabled in law, to all intents and purpoſes, to have or enjoy any office or offices, in reſpect whereof he is hereby obliged to take the ſaid oath, and the ſaid office or offices ſhall be, and are hereby adjudged to be void.

Penalty on refuſing, and afterward executing office.

VI. And be it further enacted by the authority aforeſaid, That every ſuch perſon and perſons who ſhall neglect or refuſe to take the ſaid oath, as aforeſaid, and ſhall after ſuch neglect or refuſal, either perſonally or by deputy, execute any of the ſaid offices, and ſhall be thereof lawfully convicted, ſhall incur ſuch penalties, diſabilities, and forfeitures as by an act made in *England* in the thirteenth and fourteenth years of the reign of the late King *William* the Third, intituled, *An act for the further ſecurity of his Majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and for extinguiſhing the hopes of the pretended prince of* Wales, *and all other pretenders, and their open and ſecret abettors*, are enacted, limited, and appointed for any officer his acting after the neglect or refuſal of ſuch officer to take the oath therein preſcribed.

13 & 14 W. 3. c. 6.

Juſtices may ſummon before them ſuſpected perſons, and tender them the oath,

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any two juſtices of the peace, whereof one of them to be of the *Quorum*, within any of the counties, ridings, diviſions, ſtewartries, cities, or boroughs within the ſaid kingdom of *Great Britain*, or any other perſon or perſons who ſhall be by her Majeſty for that purpoſe ſpecially appointed by order in the privy council, or by commiſſion under the great ſeal, at any time or times to ſummon and convene before them all ſuch perſons within the limits of their reſpective juriſdictions, powers, and authorities, as they ſhall or may ſuſpect to be dangerous or diſaffected to her Majeſty or her government, and ſhall and may tender to every ſuch perſon and per-

perſons the oath above-mentioned and appointed, and ſhall at the next quarter ſeſſions of the peace to be held for the county or place in which the ſaid oath ſhall be tendred, certify the chriſtian names, and ſur-names, and places of abode of all perſons refuſing to take the ſaid oath, to be there recorded, and ſhall be from thence certified by the clerk of the peace of ſuch county, riding, liberty, borough, town corporate, or place within *England*, into her Majeſty's court of *Chancery* or *Queen's Bench* at *Weſtminſter*, and by the clerk of the peace of every ſhire, ſtewartry, borough or place in *Scotland*, into the court of ſeſſion, there to be recorded in the regiſter or rolls of the ſaid reſpective courts; and if the perſon ſo refuſing and certified ſhall not, within the next term or ſeſſion after ſuch refuſal, appear in the court of *Chancery*, *Queen's Bench* or *Seſſion*, where ſuch certificate ſhall be returned, and in open court audibly and ſolemnly take and ſubſcribe the oath aforeſaid, and endorſe or enter his ſo doing upon the certificate ſo returned, ſhall be from the time of ſuch his neglect or refuſal, taken, eſteemed and adjudged a popiſh recuſant convict, and as ſuch ſhall forfeit and undergo ſuch penalties as a popiſh recuſant convict ought to do by the laws now in force within *England*.

and certify the names of thoſe who refuſe, &c.

CAP. XV.

EXP. An act to impower her Majeſty to ſecure and detain ſuch perſons as her Majeſty ſhall ſuſpect are conſpiring againſt her perſon and government.

CAP. XVI.

An act for repealing the act of the firſt year of King James *the Firſt, intituled,* An act for the well garbling of ſpices; *and for granting an equivalent to the city of* London *by admitting brokers.*

1 Jac. 1. c. 19. WHEREAS *by an act of parliament made in the firſt year of the reign of King* James *the Firſt, intituled,* An act for the well garbling of ſpices, *ſeveral drugs, wares, ſpices and merchandizes are to be garbled within the city of* London, *and the liberties thereof, as therein is mentioned, under the penalties and forfeitures therein ſpecified, and ſeveral powers are thereby given to the garbler for the time being, for that purpoſe; which act for the garbling of ſpices, and other wares and merchandizes, in many caſes is now become uſeleſs, and in other caſes would be prejudicial, and to the damage of ſeveral wares and merchandizes ſo to be garbled, to the obſtruction and diſcouragement of the trade of this kingdom, and the foreign exportation, and to the vexation of the ſubjects, by unneceſſary proſecutions in her Majeſty's court of* Exchequer; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act ſhall be, and from henceforth ſtands abſolutely repealed, and all powers, penalties, and forfeitures therein mentioned or given, ſhall from henceforth be null and void.

Act for the garbling of ſpices repealed.

II. And

II. And be it further enacted by the authority aforesaid, That all suits and informations now depending in her Majesty's court of *Exchequer*, or in any other court, or which shall at any time hereafter be brought or prosecuted upon the said act, under pretence of any seizure or forfeiture, or penalty incurred for breach of the said act, or for any offence committed or supposed to be committed against the same, shall be, and are hereby declared to be discharged, discontinued, and determined, and that no proceedings shall be had thereupon, and all seizures upon the said act, made or to be made, are hereby declared to be discharged, released, null, and void. Suits depending for any seizure, &c. discharged.

III. Provided always, That it shall and may be lawful for the lord mayor and court of aldermen, and common council of the city of *London* for the time being, to appoint from time to time a fit and able person to execute the office of garbler within the city of *London*, and the liberties thereof, who at the request of any person or persons, owner or owners of any spices, drugs, or other wares or merchandizes garbleable, and not otherwise, shall garble the same, and such garbler shall have and receive for his pains and trouble therein as the said lord mayor, court of aldermen and common council shall appoint, and no more. Lord mayor, &c. may appoint a garbler to garble spices within London, &c.

IV. *And whereas the profits of the said office are part of the revenues and incomes of the city of* London, *and are now lett by lease to* William Stewart, *under the rent of three hundred pounds* per annum, *the profits of which office, and the right of the said* William Stewart *to the same, by repealing the said act will be very much diminished*; be it enacted by the authority aforesaid, That from and after the determination of this present session of parliament, all persons that shall act as brokers within the city of *London* and liberties thereof, shall from time to time be admitted so to do by the court of mayor and aldermen of the said city for the time being, under such restrictions and limitations for their honest and good behaviour as that court shall think fit and reasonable, and shall upon such their admission pay to the chamberlain of the said city for the time being, for the uses herein after mentioned, the sum of forty shillings, and shall also yearly pay to the said uses the sum of forty shillings upon the nine and twentieth day of *September*, in every year; all which monies shall in the first place be applied for and towards the paying and satisfying to the said *William Stewart* the sum of nine hundred sixty seven pounds and ten shillings, for a compensation for his interest in the said office; and that from and after the full payment of the said sum of nine hundred sixty seven pounds and ten shillings to the said *William Stewart*, all the monies arising by such admissions and yearly payments, shall go to, and be enjoyed by the said mayor and commonalty and citizens of the city of *London*; and that from and after the determination of this present sessions of parliament, the said lease to the said *William Stewart*, and every clause therein contained, shall cease, determine, and be absolutely void. Brokers on their admission to pay 40s. each to chamberlain of London, 13 E. 1. st. 5. and also 40s. on 29 Sept. yearly. How the said monies shall be applied.

V. And be it further enacted by the authority aforesaid,

Penalty on perſon acting as a broker without admittance.

That if any perſon or perſons from and after the determination of this preſent ſeſſions of parliament, ſhall take upon him to act as a broker, or employ any other under him to act as ſuch, within the ſaid city and liberties, not being admitted as aforeſaid, every ſuch perſon ſo offending ſhall forfeit and pay to the uſe of the ſaid mayor and commonalty and citizens of the ſaid city, for every ſuch offence, the ſum of five and twenty pounds, to be recovered by action of debt, in the name of the chamberlain of the ſaid city, in any of her Majeſty's courts of record, in which no protection, eſſoin, or wager of law ſhall be allowed, or any more than one imparlance.

CAP. XVII.

An act for aſſuring to the Engliſh *company trading to the* Eaſt Indies, *on account of the united ſtock, a longer time in the fund and trade therein mentioned, and for raiſing thereby the ſum of twelve hundred thouſand pounds for carrying on the war, and other her Majeſty's occaſions.*

Preamble reciting the act for eſtabliſhing the Eaſt India company. 9 & 10 W. 3. c. 44.

MOST *gracious ſovereign, whereas in and by an act made in the ninth year of the reign of our late ſovereign lord King* William *the Third (of glorious memory) intituled,* An act for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds *per centum per annum,* and for ſettling a trade to the *Eaſt Indies, it is, amongſt other things, enacted, That all the monies ariſing by the ſeveral duties upon ſalt and rock ſalt, and upon ſtampt vellum, parchment, and paper, in the ſaid act mentioned, ſhould be brought and paid into the receipt of the Exchequer yearly and every year, reckoning the firſt year to begin from the nine and twentieth day of* September, *one thouſand ſix hundred ninety eight, and that one hundred and ſixty thouſand pounds* per annum, *of the monies to ariſe by the ſaid ſeveral duties, and to be brought into the Exchequer by weekly or other payments, in caſe the ſame payments ſhould extend thereunto, ſhould be the whole and entire yearly fund, and in caſe the ſame weekly or other payments ſhould not extend to one hundred and ſixty thouſand pounds* per annum, *then the ſaid weekly monies or payments, ſo far as the ſame ſhould extend, ſhould be part of the yearly fund, for and towards the anſwering and paying of the annuities of eight pounds* per centum per annum, *to ſuch perſons or corporations as ſhould ſubſcribe and pay in their monies upon the terms of the ſaid act: and it is thereby further enacted, That it ſhould and might be lawful for his Majeſty, by commiſſion under the then great ſeal of* England, *to authorize and appoint any number of perſons to take and receive all ſuch voluntary ſubſcriptions as ſhould be made on or before the ſaid nine and twentieth day of* September, *one thouſand ſix hundred ninety eight, by or for any perſon or perſons, natives or foreigners, bodies politick or corporate (the governor and company of the bank of* England *only excepted) of any ſum of money whatſoever, not leſs than one hundred pounds, for and towards the raiſing and paying into the receipt of the Exchequer, the ſum of two millions*

of pounds ſterling: and it was therein further enacted, That during the time thereby limited for taking the ſaid ſubſcriptions, it ſhould and might be lawful to and for all and every perſon and perſons, natives and foreigners, bodies politick and corporate, by or for themſelves, or any of them, or in truſt for any other perſon or perſons, bodies politick or corporate, or any of them (except as aforeſaid) freely to ſubſcribe any ſum of money not leſs than one hundred pounds, for or towards the ſaid ſum of two millions; and that all monies ſo to be ſubſcribed ſhould be anſwered and paid in ſuch manner and form as in the ſaid act is expreſſed: and it was thereby further enacted, ordained, and declared, That every perſon and body politick, who ſhould ſubſcribe as aforeſaid, and be named or contained in ſuch book or books as are therein mentioned, his, her, or their heirs, executors, adminiſtrators, ſucceſſors, and aſſigns reſpectively, ſhould have, receive, and enjoy for ever, out of the fund by the ſaid act ſettled and provided, one annuity or certain yearly ſum, for the whole ſum by him, her, or them ſubſcribed, according to the rate or proportion of eight pounds per centum per annum, *in the manner thereby preſcribed: and it is thereby further enacted, That it ſhould and might be lawful to and for his ſaid late Majeſty, by letters patents under the then great ſeal of* England, *to incorporate all and every perſon and perſons, natives and foreigners, bodies politick and corporate, who ſhould ſubſcribe, or for whom ſubſcription ſhould be taken, and upon whoſe ſubſcriptions ſuch payment ſhould be made, as is therein expreſſed, and all and every perſon and perſons, bodies politick and corporate, who as executors, adminiſtrators, ſucceſſors, or aſſigns, or by any other lawful title, derived or to be derived from, by, or under the ſaid original ſubſcribers, at any time or times thereafter, ſhould have or be entitled to any part, ſhare, or intereſt of or in the ſaid yearly fund, ſo long as they reſpectively ſhould have any ſuch part, ſhare, or intereſt therein, to be one body politick and corporate, by the name of,* The general ſociety entitled to the advantages given by an act of parliament, for advancing a ſum not exceeding two millions, for the ſervice of the crown of *England, with ſuch ſucceſſion, capacity, and powers as in the ſaid act is mentioned, and in ſuch charters or letters patents, ſuch further rules, powers, and clauſes for carrying on trade, and purſuing the ends and intent of the ſaid act, were to be inſerted, as ſhould be lawfully and reaſonably deſired in that behalf: and it was thereby further enacted, That in caſe the ſaid whole ſum of two millions, or one moiety, or any greater part of the ſaid ſum of two millions ſhould be ſubſcribed, as aforeſaid, on or before the ſaid nine and twentieth day of* September, *one thouſand ſix hundred ninety eight, that then, and from thenceforth, all and every the perſon and perſons, natives and foreigners, bodies politick and corporate, by or for whom ſuch ſubſcriptions ſhould be made, and all and every perſon and perſons, bodies politick and corporate, who as executors, adminiſtrators, ſucceſſors, or aſſigns, or by any other lawful title derived or to be derived from, by, or under the ſaid original ſubſcribers at any time or times thereafter, ſhould have or be entitled to any part, ſhare, or intereſt of and in the ſaid yearly fund, and of and in a proportional part of the principal ſtock of*

9 & 10 W. 3. c. 44.

the ſaid general ſociety, ſo long as they reſpectively ſhould continue to have any part, ſhare, or intereſt therein, and all and every perſon and perſons, who for any time ſhould be licenſed by ſuch perſon or perſons, bodies politick or corporate, to trade in the ſtead of them, ſhould, or lawfully might for ever thereafter, by themſelves ſeverally, or by ſuch factors, agents, or ſervants as they ſeverally ſhould think fit to entruſt, freely traffick, and uſe the trade of merchandize into and from the East Indies, *and parts or limits in the ſaid act mentioned, in ſuch manner, and by ſuch proportions, and ſubject to ſuch reſtrictions as in the ſaid act are expreſſed: and it was further thereby enacted, That if the ſaid whole ſum of two millions, or one moiety, or any greater part thereof, ſhould be ſubſcribed on or before the ſaid nine and twentieth day of* September, *one thouſand ſix hundred ninety eight, and all or any corporations, or other perſon or perſons, having particular ſhares or intereſt in the ſaid principal ſtock of the ſaid general ſociety, or in proportionable annuities or yearly payments iſſuing out of the ſaid yearly fund, ſhould be willing and deſirous to unite and join together ſuch their ſeveral ſhares and intereſts, and to be incorporated, ſo as they might be able to manage their trade (in proportion to their intereſts) as a company, and by a joint ſtock, that then it ſhould and might be lawful for his ſaid late Majeſty, by letters patents under the then great ſeal of* England, *to incorporate all ſuch perſons and corporations, by ſuch proper names as he ſhould think fit, to be one company, with power to manage and carry on their trade to the* East Indies, *and other the limits in the ſaid act mentioned, by a joint ſtock, and to have perpetual ſucceſſion, and a common ſeal, with power to grant and take, ſue, and be ſued, and to chooſe their own managers, directors and officers from time to time, and ſuch other powers and clauſes as ſhould be neceſſary or requiſite for the carrying on of ſuch trade, and ſhould be reaſonable for his ſaid late Majeſty to grant, nevertheleſs with ſuch reſtrictions as in the ſaid act is mentioned; and the directors and managers, and other members of ſuch company, were to be ſubject to ſuch further rules, qualifications, and appointments, as his ſaid late Majeſty in ſuch charter ſhould think neceſſary or reaſonable to be inſerted: and in the ſaid act there is contained a proviſo or condition of redemption in ſuch manner and form as therein, and hereafter in this preſent act are expreſſed: and it is alſo thereby enacted, That in caſe the duties ariſing or appropriated by the ſaid act, ſhould at any time or times appear to be ſo deficient in the produce of the ſame, as that within any one year, to be reckoned from the nine and twentieth day of* September, *which ſhould be in the year of our Lord one thouſand ſix hundred ninety and nine, the weekly payments upon the ſame duties ſhould not amount to ſo much as ſhould be ſufficient to diſcharge and ſatisfy the ſeveral and reſpective benefits, yearly payments or advantages by the ſaid act appointed or intended to be paid, within or for the ſame year reſpectively, in every ſuch caſe, every ſuch deficiency ſhould be anſwered by or out of the next aids to be raiſed and granted by parliament in the manner therein mentioned: as by the ſaid act of parliament, in which are contained divers other powers, proviſoes, authorities, privileges, and clauſes, (relation being thereunto had) more fully and at large it*

doth

doth and may appear: and whereas in purſuance of the ſaid act, his ſaid late Majeſty, by a commiſſion under the then great ſeal of England, *bearing date at* Weſtminſter *the fourteenth day of* July, *in the tenth year of his reign, did authorize ſeveral perſons therein named, to be commiſſioners, with power to take ſubſcriptions for and towards the raiſing and paying the ſaid ſum of two millions, as by the ſaid commiſſion, relation being thereunto had, may more fully appear: and whereas it appeared by duplicates tranſmitted into the office of the auditor of the receipt of his ſaid late Majeſty's Exchequer, that ſeveral ſums amounting in the whole to the ſaid ſum of two millions of pounds ſterling, were ſubſcribed purſuant to the ſaid act: and whereas the ſaid whole ſum of two millions was entirely anſwered to his Majeſty's uſe: and whereas by a charter under the great ſeal of* England, *bearing date at* Weſtminſter *the third day of* September, *in the tenth year of his ſaid late Majeſty's reign, his Majeſty created and eſtabliſhed the ſaid corporation, or body politick, called,* The general ſociety entitled to the advantages given by an act of parliament, for advancing a ſum not exceeding two millions, for the ſervice of the crown of *England, with ſuch powers, privileges, and benefits as are therein expreſſed; and whereas by letters patents under the great ſeal of* England, *bearing date at* Weſtminſter *the fifth day of* September, *in the ſaid tenth year of his ſaid late Majeſty's reign, reciting, That the ſubſcribers towards the ſaid ſum of two millions therein particularly named and expreſſed, were willing and deſirous to unite or join together their ſeveral ſhares or intereſts in the principal ſtock of the ſaid general ſociety, or in their proportionable annuities, or yearly payments iſſuing out of the ſaid yearly funds, and to be incorporated ſo as they might be able to manage their trade in proportion to their intereſt, as a company and by a joint ſtock, his ſaid late Majeſty did grant, ordain, and eſtabliſh, that the ſubſcribers therein particularly named, and every of them, and all and every perſon and perſons, bodies politick and corporate, who as executors, adminiſtrators, ſucceſſors, or aſſigns, or by any other lawful title, derived or to be derived from, by or under the ſame ſubſcribers, ſhould have and be entitled to any part, ſhare, or intereſt of or in the ſaid yearly fund by the ſaid act ſettled, as aforeſaid, or of or in the proportionable annuities or yearly payments iſſuing out of the ſaid yearly fund, ſo long as they reſpectively ſhould have any ſuch part, ſhare, or intereſt therein, to be one body politick and corporate, by the name of* The *Engliſh* company trading to the *Eaſt Indies, with ſuch benefit of trade, powers, privileges, and advantages, and ſubject to ſuch reſtrictions, conditions, covenants, and agreements, as are therein expreſſed. And whereas by another act of parliament made in the eleventh year of his ſaid late Majeſty's reign, reciting, That* John Dubois, *of* London, *merchant, had, by direction of, and in truſt for the corporation of the governor and company of merchants of* London *trading into the* Eaſt Indies, *ſubſcribed and paid the ſum of three hundred and fifteen thouſand pounds, as part of the ſaid ſum of two millions, it was enacted, That the ſaid governor and company of merchants of* London *trading into the* Eaſt Indies, *ſhould remain, continue, and be one body corporate and politick by the*

Charter dated 3 Sept. 10 W. 3.

The general ſociety. 9 & 10 W. 3. c. 44.

Charter 5 Sept.

Engliſh company trading to the Eaſt Indies.

11 & 12 W. 3. c. 4. a private act.

name aforeſaid, ſubject nevertheleſs to be determined upon redemption of the fund by the ſaid act granted: and whereas by an indenture tripartite, bearing date the two and twentieth day of July, *in the year of our Lord one thouſand ſeven hundred and two, made between your Majeſty of the firſt part, the governor and company of merchants of* London *trading into the* Eaſt Indies *of the ſecond part, and the* Engliſh *company trading to the* Eaſt Indies *of the third part, it was (amongſt other things) agreed, with your Majeſty's approbation, that the ſaid governor and company of merchants of* London *trading into the* Eaſt Indies, *ſhould purchaſe from the members of the ſaid* Engliſh *company ſo much of their capital ſtock as would make the property of the ſaid governor and company of merchants of* London *trading into the* Eaſt Indies *equal to the property which would then remain to the other members of the ſaid* Engliſh *company trading to the* Eaſt Indies; *and that the whole trade which might or ſhould be carried on during the term of ſeven years, to be reckoned from the date of that indenture, to and from the* Eaſt Indies, *and other the parts within the limits aforeſaid, for or in reſpect of their ſeveral ſtocks and funds thereby agreed to be united, ſhould be for the benefit and behoof of all the members of the ſaid* Engliſh *company trading to the* Eaſt Indies, *proportionable to their ſhares in the capital or principal ſtock thereof; and that the ſaid governor and company of merchants of* London, *trading into the* Eaſt Indies, *ſhould have a right and power equal to the reſt of the members of the ſaid* Engliſh *company, in the direction, management, and carrying on of the ſaid trade, during the ſaid term of ſeven years; and that after the end or expiration of the ſaid term of ſeven years, the whole trade to the* Eaſt Indies, *and other the parts within the limits aforeſaid, for or in reſpect of their united ſtock and fund, ſhould for ever (ſubject to the redemption of the ſaid fund by parliament) be wholly managed and carried on by the ſaid* Engliſh *company trading to the* Eaſt Indies *(by whatſoever name the ſame ſhould then be called) according to the ſaid charter of the fifth of* September, *in the ſaid tenth year of his ſaid late Majeſty's reign, and not otherwiſe: and to that end and purpoſe, many covenants, conditions, and agreements were contained in the ſaid indenture, as by the ſame, relation being thereunto had, may more fully appear: and whereas the united ſtock of the ſaid governor and company of merchants of* London *trading into the* Eaſt Indies, *and of all the reſt of the members of the ſaid* Engliſh *company trading to the* Eaſt Indies, *in their own names, or in the names of others in truſt for them, doth at this time amount to one million nine hundred ninety two thouſand eight hundred pounds, part of the ſum of two millions before-mentioned; and their united fund doth amount to one hundred fifty nine thouſand four hundred twenty four pounds* per annum, *part of the ſum of one hundred and ſixty thouſand pounds* per annum, *before-mentioned: and as well the ſaid governor and company of merchants of* London *trading into the* Eaſt Indies, *as the reſt of the members of the ſaid* Engliſh *company trading to the* Eaſt Indies, *are willing to advance to your Majeſty, in manner herein after-mentioned, for carrying on the preſent war, and other your Majeſty's neceſſary occaſions, a further ſum*

of

of twelve hundred thouſand pounds of lawful money of Great Britain, *upon ſuch terms, conditions, and advantages as are hereafter expreſſed and ſet down:* now we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, being deſirous not only to ſupply your Majeſty with ſuch aids as may enable your Majeſty to carry on the ſaid war with vigour, but alſo to raiſe the ſame in ſuch a manner as may create no new charge upon your ſubjects, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid *Engliſh* company trading to the *Eaſt Indies*, as well for and on the behalf of the ſaid governor and company of merchants of *London* trading into the *Eaſt Indies*, as for and on the behalf of all other the members of the ſaid *Engliſh* company, ſhall advance and actually pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, the ſaid ſum of twelve hundred thouſand pounds, by ſuch proportions, and at ſuch times as are herein after appointed for the payment thereof (that is to ſay) two hundred thouſand pounds part thereof, on or before the twelfth day of *May*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight; two hundred thouſand pounds more thereof, on or before the twelfth day of *July*, one thouſand ſeven hundred and eight; two hundred thouſand pounds more thereof, on or before the eleventh day of *September*, one thouſand ſeven hundred and eight; two hundred thouſand pounds more thereof, on or before the twelfth day of *November*, one thouſand ſeven hundred and eight; two hundred thouſand pounds more thereof, on or before the twelfth day of *January*, one thouſand ſeven hundred and eight; and two hundred thouſand pounds more thereof, and in full ſatisfaction of the ſaid twelve hundred thouſand pounds on or before the tenth day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight; and in caſe the ſaid *Engliſh* company trading to the *Eaſt Indies*, ſhall make failure in any of the ſaid payments hereby appointed to be made, at or before the reſpective days or times before limited in that behalf, the monies whereof ſuch failure in payment ſhall be made, ſhall and may be recovered to her Majeſty's uſe, by action of debt, or upon the caſe, bill, ſuit, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be allowed, or any more than one imparlance; in which action, bill, ſuit, or information it ſhall be lawful to declare, That the ſaid *Engliſh* company trading to the *Eaſt Indies*, are indebted to her Majeſty the monies of which they ſhall have made default in payment, according to the form of this ſtatute, and have not paid the ſame, which ſhall be ſufficient; and in or upon ſuch action, bill, ſuit, or information, there ſhall be further recovered to her Majeſty's uſe, againſt the ſaid *Engliſh* company trading to the *Eaſt Indies*, damages after

Engliſh company to advance 1,200,000l.

Times of payment.

On non-payment company may be ſued, &c.

the rate of twelve pounds *per centum*, for the monies ſo unpaid contrary to this act, beſides, full coſts of ſuit; and the ſaid *Engliſh* company trading to the *Eaſt Indies*, and their ſucceſſors, and the ſaid united ſtock and fund ſhall be and are hereby made ſubject and liable thereunto.

Company may borrow 1,500,000 l. on their common ſeal.

II. And for the better enabling the ſaid *Engliſh* company trading to the *Eaſt Indies*, to raiſe and pay the ſaid ſum of twelve hundred thouſand pounds to her Majeſty's uſe as aforeſaid, it is hereby declared and enacted by the authority aforeſaid, That the common ſeal of the ſaid *Engliſh* company, now in the hands of the managers for the united trade of the *Engliſh* company trading to the *Eaſt Indies*, ſhall and may be made uſe of to borrow any ſum or ſums of money from time to time, upon account of the ſaid united ſtock and fund, ſo as the ſum total of all the principal monies which at any one time ſhall be owing upon the ſecurity of the ſaid ſeal, do not exceed one million five hundred thouſand pounds, over and above the monies which might lawfully be borrowed thereupon before the making of this preſent act.

The two companies may call in monies for advancing 1,200,000 l.

III. And it is hereby enacted by the authority aforeſaid, That in caſe the general court of the ſaid governor and company of merchants of *London* trading into the *Eaſt Indies*, and the general court of the ſaid *Engliſh* company trading to the *Eaſt Indies*, at any time or times whilſt they ſhall ſeparately continue, ſhall think fit, or if the general court of the ſaid *Engliſh* company, after the determination of the other general court aforeſaid, ſhall think fit to call in monies from their reſpective adventurers or members, for or towards the raiſing the ſaid ſum of twelve hundred thouſand pounds to be advanced to her Majeſty's uſe, or any part thereof, or for repaying the monies borrowed for that purpoſe, or the intereſt thereof, that then it ſhall and may be lawful to and for the ſaid governor and company of merchants of *London*, trading into the *Eaſt Indies*, and the ſaid *Engliſh* company trading to the *Eaſt Indies* reſpectively, at any time or times, during the ſeparate continuance of their general courts, as aforeſaid, and afterwards to and for the ſaid *Engliſh* company trading to the *Eaſt Indies*, by whatſoever name or names the ſame ſhall then be called or known, to call in, or direct to be paid unto them reſpectively, from and by their reſpective adventurers and members for the time being, proportionably, any ſum and ſums of money which ſhall from time to time be ſo thought fit, for or towards the making up the ſaid ſum of twelve hundred thouſand pounds to be advanced to her Majeſty's uſe as aforeſaid, or for repaying the monies borrowed for that purpoſe, or the intereſt thereof; and that all executors, adminiſtrators, guardians, and truſtees, ſhall be indemnified in paying the ſame; and in caſe any adventurers or members of the ſaid reſpective corporations, ſhall neglect or refuſe to pay his, her, or their ſhares of the monies ſo called in, at the time or times appointed for that purpoſe, by notice to be fixed upon the *Royal Exchange* in *London*, or in caſe any adventurer or adventurers, member or members of the ſaid reſpective corporations, ſhall neglect or refuſe to pay his,

Or for repaying the monies borrowed.

Executors, &c. indemnified.

his, her, or their ſhare of the monies which the ſaid companies, or either of them, ſhall (in purſuance of the ſaid firſt recited act, and their reſpective charters, or any or either of them) call in, for the carrying on of their trade, at the time or times appointed for that purpoſe, by the like notice, as aforeſaid, then and in either of the ſaid caſes, it ſhall and may be lawful for the ſaid governor and company of merchants of *London* trading into the *Eaſt Indies*, and the ſaid *Engliſh* company trading to the *Eaſt Indies* reſpectively, and their reſpective ſucceſſors, not only to ſtop the ſhare or dividends which ſhall from time to time become payable to ſuch adventurer or adventurers, member or members, ſo neglecting or refuſing, of the fund, ſtock, or profits of the ſaid reſpective companies, and to apply the ſame from time to time for or towards payment of the ſhare of the money ſo called in, and which ought to have been paid by ſuch adventurer or adventurers, member or members ſo neglecting or refuſing to pay the ſame, until the ſame ſhall be ſatisfied, but alſo to ſtop the transfers of the ſhares of every ſuch defaulter, and to charge ſuch defaulter and defaulters with an intereſt after the rate of ſix pounds *per centum per annum*, for the monies ſo by him and them neglected to be paid, from the time the ſame were appointed to be paid until the payment thereof; and the ſhare and ſtock of ſuch defaulter and defaulters ſhall be liable to make good and anſwer the ſaid monies ſo appointed to be paid, and the intereſt thereof; and that in caſe the principal and intereſt ſhall not be paid within the ſpace of three months, then the ſaid governor and company, and the ſaid *Engliſh* company, and their ſucceſſors reſpectively as aforeſaid, ſhall have power to ſell ſo much of the ſtock of ſuch defaulter or defaulters as will ſatisfy and pay the ſame.

Members refuſing to pay, company may ſtop their dividends.

And the transfers of ſuch defaulters, and charge them with intereſt at 6l. per cent.

Shares not paid in 3 months, company may ſell.

IV. And be it further enacted by the authority aforeſaid, That the ſaid ſum of twelve hundred thouſand pounds agreed to be advanced and paid, as aforeſaid, ſhall be, and be called, deemed, and taken to be a further addition to the capital ſtock of the ſaid *Engliſh* company, and ſhall be, and is hereby exempted from any taxes, rates, impoſitions, or aſſeſſments whatſoever.

The ſaid 1,200,000 l. to be a further addition to the capital ſtock, and tax free.

V. And be it further enacted by the authority aforeſaid, That the united ſtock and fund of the ſaid *Engliſh* company, and their ſucceſſors, by whatſoever name or names they ſhall be called or known, ſhall be and are by this preſent act made ſubject and liable to the payment and ſatisfaction of all ſuch debts as are or ſhall be contracted by the ſame company, for or upon account of the ſaid united ſtock or trade.

The united ſtock liable to all debts contracted, &c.

VI. *And whereas by the ſaid former acts and charters it was provided, That at any time, upon three years notice, after the nine and twentieth day of* September, *one thouſand ſeven hundred and eleven, upon repayment of the ſaid two millions, and all arrears of the ſaid annuities or yearly payments, the ſaid duties upon ſalt, and rock ſalt, and the ſaid duties upon ſtampt vellum, parchment, and paper, and the ſaid yearly fund charged thereupon, and the ſaid annuities iſſuing out*

For encouraging the Engliſh company to carry on their trade.

act of the ſame, and the duty of five pounds in the hundred on imported goods therein expreſſed, and all the corporations to be erected by or in purſuance of that act, and the benefit of trade thereby given or intended to be given to them or any of them, ſhall abſolutely ceaſe and determine: now, to the intent that the ſaid *Engliſh* company, and their ſucceſſors, may be encouraged to proceed in their trade, and may have time to ſettle factories, and perform ſuch other matters and things as are neceſſary for carrying on the ſaid trade to their beſt advantage and profit, it is hereby declared and enacted by the authority aforeſaid, That the laſt-mentioned proviſo for redemption and determination of the ſaid ſeveral duties, yearly fund, annuities, corporations, and benefit of trade, ſhall be, and is hereby repealed and made void; and that the ſaid duties upon ſalt and rock ſalt, and the ſaid duties upon ſtampt vellum, parchment, and paper, and the ſaid duty of five pounds in the hundred upon imported goods, ſhall continue, and the ſaid *Engliſh* company trading to the *Eaſt Indies*, and their ſucceſſors, by whatſoever name or names they ſhall be called or known, ſhall have and enjoy the ſaid yearly ſum of one hundred fifty nine thouſand four hundred twenty four pounds *per annum*, and all the benefit of trade, franchiſes, privileges, profits, and advantages whatſoever, in reſpect thereof given or granted, or intended to be given or granted unto them by the ſaid act of the ninth year of his ſaid late Majeſty's reign, or by the ſaid charter of the fifth day of *September*, in the tenth year of his ſaid late Majeſty's reign, or by the ſaid indenture tripartite of the two and twentieth day of *July*, one thouſand ſeven hundred and two, and every or any of them, freed and diſcharged of and from the ſaid former proviſo, or condition of redemption, and all other proviſoes, powers, acts, matters, or things heretofore had, made, done, or committed, for redeeming, determining, or making void the ſaid duties, yearly fund, benefit of trade, franchiſes, privileges, profits, and advantages, or any of them; ſubject nevertheleſs to the reſtrictions, covenants, and agreements in the ſaid act firſt recited, and the ſaid recited charters and indenture tripartite, or any of them contained, now in force, and alſo ſubject to the general proviſoes or condition of redemption hereafter in this act contained.

Former proviſo for redemption repealed. See 3 Geo. 2. c. 14. ſ. 11.

9 & 10 W. 3. c. 44.

Subject nevertheleſs, &c.

VII. *And whereas ſeveral perſons who did ſubſcribe, or do derive under perſons who did ſubſcribe ſeveral ſums, amounting in the whole to ſeven thouſand two hundred pounds, part of the ſaid two millions, are in reſpect thereof, entitled to five hundred ſeventy ſix pounds* per annum, *part of the ſaid ſum of one hundred and ſixty thouſand pounds* per annum, *and to a proportional part of the trade to the* Eaſt Indies, *and other the parts aforeſaid, have not united their ſtock and fund to the ſtock and fund of the ſaid corporations impowered to trade by a joint ſtock, as aforeſaid, but do by themſelves, or others by them licenſed, carry on their trade for their own ſeparate uſe and accounts:* it is hereby provided and enacted by the authority aforeſaid, That the ſeveral perſons entitled to the ſaid ſtock, amounting to ſeven thouſand two hundred pounds, their executors, adminiſtrators,

Separate ſtock confirmed.

hiſtrators, and aſſigns, ſhall and may peaceably and quietly have, hold, and enjoy their ſaid proportion of the ſaid yearly fund and trade, as fully and effectually as they might have done if this act had never been made; nevertheleſs it ſhall and may be lawful to and for the ſaid *Engliſh* company, and their ſucceſſors, at any time after the nine and twentieth day of *September*, one thouſand ſeven hundred and eleven, by writing to be ſigned by their ſecretary, and to be affixed upon the *Royal Exchange* in *London*, to give notice of their intention to repay the ſaid ſum of ſeven thouſand two hundred pounds to the perſons who ſhall be intereſted therein, or entitled thereunto, at the end of three years after ſuch notice given; and in caſe the ſaid *Engliſh* company, at the end of the ſaid three years, do fully pay and ſatisfy to ſuch perſons the ſaid ſum of ſeven thouſand two hundred pounds at the *Guild-hall* of *London*, together with all arrears (if any) of the ſaid yearly ſum of five hundred ſeventy ſix pounds, which ſhall be then due to the ſaid perſons reſpectively, then, and upon ſuch payment made, or lawful tender thereof, the ſaid ſtock of ſeven thouſand two hundred pounds, and the proportional trade and fund belonging thereunto, ſhall be, and are by virtue of this act, veſted and ſettled in the ſaid *Engliſh* company, and their ſucceſſors; ſubject nevertheleſs to the general proviſo or condition of redemption hereafter in this act contained, and to no other proviſo or condition of redemption whatſoever; any thing in this act contained, or any other matter or thing to the contrary notwithſtanding.

But after 29 September, 1711, upon three years notice and repayment, &c.

The ſaid ſeparate ſtock, ſhall be veſted in the Engliſh company.

VIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That the before-mentioned duty of five pounds *per centum*, for or in reſpect only of ſuch goods and merchandizes as ſhall be imported into *Great Britain* by the ſaid *Engliſh* company trading to the *Eaſt Indies*, from and after the nine and twentieth day of *September*, one thouſand ſeven hundred and fourteen, ſhall ceaſe, determine, and be no longer collected or paid; any thing in this, or in the ſaid firſt recited act, to the contrary in any wiſe notwithſtanding.

Duty of 5l. per cent. after 29 Sep. 1714. to ceaſe.

9 & 10 W. 3. c. 44.

IX. Provided always, and it is hereby declared and enacted by the authority aforeſaid, That at any time upon three years notice, after the five and twentieth day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, upon the expiration of the ſaid three years, and upon repayment by parliament, as well of the ſaid ſum of two millions formerly advanced, as of the ſaid ſum of twelve hundred thouſand pounds to be advanced, as aforeſaid, making in the whole three millions and two hundred thouſand pounds, unto ſuch companies, corporations, or perſons as ſhall be then entitled thereunto, and of all arrears which at the end of the ſaid three years ſhall be due for or upon the ſaid yearly fund of one hundred and ſixty thouſand pounds *per annum*, then, and from thenceforth, as well the ſaid duties upon ſalt and rock ſalt, as the ſaid duties upon ſtampt vellum, parchment, and paper, and alſo the ſaid yearly fund of one hundred and ſixty thouſand pounds, and all the

After 25 March, 1726. upon 3 years notice, and repayment, &c. corporation to ceaſe.

Repealed by 10 Ann. c. 28. 3 Geo. 2. c. 14 § 11.

the corporations erected by or in pursuance of this or the said former acts, and the benefit of trade by this and the said former acts and charters, or any of them, given, or intended to be given to them or any of them, shall absolutely cease and determine; any thing herein contained to the contrary notwithstanding.

Not to repeal 11 & 12 W. 3. c. 10.

X. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not be deemed, taken, or construed to repeal or alter an act made in the eleventh and twelfth years of the reign of the late King *William* the Third, of glorious memory, intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*, or any clause, matter, or thing therein contained; but that the said act, and every clause, matter, or thing therein contained, shall stand, remain, and be in full effect and force, to all intents and purposes whatsoever, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

From 25 March, 1708. custom-house may take companies seal'd bonds for goods imported.

XI. Provided also, and it is hereby further enacted and declared by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand seven hundred and eight, upon any importation of any goods or merchandizes by the said *English* company trading to the *East Indies*, it shall and may be lawful for the commissioners and officers of the customs for the time being, and they are hereby required from time to time to take one or more bond or bonds, under the common seal of the said *English* company, for all such of the customs and duties chargeable and to be charged on the goods and merchandizes so to be imported, as are bondable, or for which bonds have usually been given; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

In order to a compleat union,

XII. *And whereas the governor and company of merchants of* London *trading into the* East Indies, *and the rest of the members of the* English *company trading to the* East Indies, *are desirous that a speedy and compleat union may be had and perfected, pursuant to the before-mentioned indenture tripartite, and have agreed to refer all matters in difference concerning the same, and the compleating the said union, unto the final determination of the right honourable* Sidney *earl of* Godolphin, *lord high treasurer of* Great Britain; be it therefore enacted by the authority aforesaid, That the said matters in difference between the said governor and company of merchants of *London* trading into the *East Indies*, and the rest of the members of the said *English* company, and the settling the terms of, and perfecting and compleating the said union, shall be, and is hereby referred to the judgment, award, and final determination of the said *Sidney* earl of *Godolphin*, to proceed upon and settle the terms and conditions of the same, as his lordship shall think fit, so as the whole be made, settled, perfected, and compleated on or before the twenty ninth day of *September*, in the year one thousand seven hundred and eight, by writing attested under his lordship's hand and seal; which said award being so made and settled within the time aforesaid, shall in all parts thereof be

all differences referred to the earl of Godolphin.

His award to be binding.

binding

binding and concluſive, as well to the ſaid governor and company of merchants of *London* trading into the *Eaſt Indies*, as to the reſt of the ſaid members of the ſaid *Engliſh* company, and ſhall be by them complied with, and ſubmitted to accordingly.

After ſuch award, &c. managers for the united trade ſhall be directors, &c. till new ones be choſen.

XIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That from and after the making of the ſaid award, and ſurrender of the charter of the ſaid governor and company of merchants of *London* trading into the *Eaſt Indies*, in purſuance to the ſaid indenture tripartite, then the perſons who, at the time of ſuch ſurrender, ſhall in purſuance of the ſame indenture be the managers for the united trade of the *Engliſh* company trading to the *Eaſt Indies*, and none others, ſhall be the directors of the ſaid *Engliſh* company, (which company ſhall then be called, *The united company of merchants of* England *trading to the* Eaſt Indies) until ſuch time as new directors ſhall be choſen for the ſame, in purſuance of the ſaid charter, bearing date the fifth day of *September*, in the tenth year of his ſaid late Majeſty's reign.

Acts, &c. to be publick acts.

XIV. And be it further enacted by the authority aforeſaid, That this preſent act, and the acts herein before recited, and all parts thereof, ſhall be conſtrued, adjudged, and taken to be publick acts to all intents and purpoſes whatſoever.

CAP. XVIII.

An act for the more effectual diſcovery of the death of perſons pretended to be alive, to the prejudice of thoſe who claim eſtates after their deaths.

9 Car. 2. c. 6.

WHEREAS *divers perſons, as guardians and truſtees for infants, and huſbands in right of their wives, and other perſons having eſtates or intereſts determinable upon a life or lives, have continued to receive their rents and profits of ſuch lands after the determination of their ſaid particular eſtates or intereſts: and whereas the proof of the death of the perſons, on whoſe lives ſuch particular eſtates or intereſts depended, is very difficult, and ſeveral perſons have been, and may be thereby defrauded:* for remedy whereof, and for preventing ſuch fraudulent practices, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That any perſon or perſons who hath or ſhall have any claim or demand in or to any remainder, reverſion, or expectancy, in or to any eſtate after the death of any perſon within age, married woman, or any other perſon whatſoever, upon affidavit made in the high court of *Chancery*, by the perſons ſo claiming ſuch eſtate, of his or her title, and that he or ſhe hath cauſe to believe that ſuch minor, married woman, or other perſon is dead, and that his or her death is concealed by ſuch guardian, truſtee, huſband, or any other perſon, ſhall and may once a year, if the perſon aggrieved ſhall think fit, move the lord chancellor, keeper, or commiſſioners for the cuſtody of the great ſeal of *Great Britain* for the time being, to order, and they are hereby authorized

Perſon claiming eſtate in remainder, &c. after death of minor, married woman, &c. on affidavit, &c. that he hath cauſe to believe ſuch minor, &c. is dead, lord chancellor to cauſe ſuch minor, &c. to be produced, &c.

rized and required to order ſuch guardian, truſtee, huſband, or other perſon, concealing or ſuſpected to conceal ſuch perſon, at ſuch time and place as the ſaid court ſhall direct, on perſonal or other due ſervice of ſuch order, to produce and ſhew to ſuch perſon and perſons, (not exceeding two) as ſhall in ſuch order be named by the party or parties proſecuting ſuch order, ſuch minor, married woman, or other perſons aforeſaid; and if ſuch guardian, truſtee, huſband, or ſuch other perſon, as aforeſaid, ſhall refuſe or neglect to produce or ſhew ſuch infant, married woman, or ſuch other perſon, on whoſe life any ſuch eſtate doth depend, according to the directions of the ſaid order, That then the court of *Chancery* is hereby authorized and required to order ſuch guardian, truſtee, huſband, or other perſon, to produce ſuch minor, married woman, or other perſon concealed, in the ſaid court of *Chancery*, or otherwiſe before commiſſioners to be appointed by the ſaid court, at ſuch time and place as the court ſhall direct, two of which commiſſioners ſhall be nominated by the party or parties proſecuting ſuch order, at his, her, or their coſts and charges; and in caſe ſuch guardian, truſtee, huſband, or other perſon, ſhall refuſe or neglect to produce ſuch infant, married woman, or other perſon ſo concealed, in the court of *Chancery*, or before ſuch commiſſioners, whereof return ſhall be made by ſuch commiſſioners, and that return filed in the petty bag office, in either or any of the ſaid caſes, the ſaid minor, married woman, or ſuch other perſon ſo concealed, ſhall be taken to be dead, and it ſhall be lawful for any perſon claiming any right, title, or intereſt in remainder or reverſion, or otherwiſe after the death of ſuch infant, married woman, or ſuch other perſons ſo concealed, as aforeſaid, to enter upon ſuch lands, tenements, and hereditaments, as if ſuch infant, married woman, or other perſon ſo concealed, were actually dead.

Guardian, &c. refuſing to produce ſuch infant, &c.

Party ſo concealed to be taken to be dead, and claimant may enter on land, &c.

II. And be it further enacted by the authority aforeſaid, That if it ſhall appear to the ſaid court by affidavit, that ſuch minor, married woman, or other perſon, for whoſe life ſuch eſtate is holden, is, or lately was at ſome certain place beyond the ſeas in the ſaid affidavit to be mentioned, it ſhall and may be lawful for the party or parties proſecuting ſuch order, as aforeſaid, at his, her, or their coſts and charges, to ſend over one or both the ſaid perſons appointed by the ſaid order, to view ſuch minor, married woman, or other perſon, for whoſe life any ſuch eſtate is holden; and in caſe ſuch guardian, truſtee, huſband, or other perſon concealing or ſuſpected to conceal ſuch perſons, as aforeſaid, ſhall refuſe or neglect to produce or procure to be produced to ſuch perſon or perſons, a perſonal view of ſuch infant, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, That then and in ſuch caſe ſuch perſon or perſons are hereby required to make a true return of ſuch refuſal or neglect to the court of *Chancery*, which return ſhall be filed in the petty bag office, and thereupon ſuch minor, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, ſhall be taken to be dead; and it ſhall be lawful for any perſon claiming any

On affidavit, that minor, &c. is beyond ſea, claimant may ſend over perſons to view ſuch minor, &c.

right,

right, title, or interest, in remainder, reversion, or otherwise after the death of such infant, married woman, or other person, for whose life any such estate is holden, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person, for whose life any such estate is holden, were actually dead.

If infant, &c. alive, after order made, such infant, &c. may re-enter.

III. Provided always, That if it shall afterwards appear upon proof, in any action to be brought, that such infant, married woman, or other person for whose life any such estate is holden, were alive at the time of such order made, That then it shall be lawful for such infant, married woman, guardian, or trustee, or other person having any estate or interest, determinable upon such life, to re-enter upon the said lands, tenements, or hereditaments, and for such infant, married woman, or other person, having any estate or interest determinable upon such life, their executors, administrators or assigns, to maintain an action against those who, since the said order, received the profits of such lands, tenements, or hereditaments, or their executors or administrators, and therein to recover full damages for the profits of the same received, from the time that such infant, married woman, or other person, having any estate or interest determinable upon such life, were ousted of the possession of such lands, tenements, or hereditaments.

If guardian, &c. prove that he hath used his endeavours to procure such infant to appear, and that he was then living, &c.

IV. Provided always, That if any such guardian, trustee, husband, or other person or persons, holding or having any estate or interest determinable upon the life or lives of any other person or persons, shall by affidavit or otherwise, to the satisfaction of the said court of *Chancery*, make appear, That he, she, or they have used his, her, or their utmost endeavours to procure such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, to appear in the said court of *Chancery*, or elsewhere, according to the order of the said court in that behalf made, and that he, she, or they cannot procure or compel such infant, married woman or other person or persons so to appear, and that such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, is, are, or were living at the time of such return made and filed, as aforesaid, then it shall be lawful for such person or persons to continue in the possession of such estate, and receive the rents and profits thereof for and during the infancy of such infant, and the life or lives of such married woman, or other person or persons, on whose life or lives such estate or interest doth or shall depend, as fully as he, she, or they might have done if this act had not been made.

Guardian to continue in possession, &c.

Guardian, &c. holding estates after determination of life of minor, adjudged trespassers.

V. And be it further enacted by the authority aforesaid, That every person who, as guardian or trustee for any infant, and every husband seized in right of his wife only, and every other person having any estate determinable upon any life or lives, who after the determination of such particular estates or interests, without the express consent of him, her, or them, who

are

rized and required to order ſuch guardian, truſtee, huſband, or other perſon, concealing or ſuſpected to conceal ſuch perſon, at ſuch time and place as the ſaid court ſhall direct, on perſonal or other due ſervice of ſuch order, to produce and ſhew to ſuch perſon and perſons, (not exceeding two) as ſhall in ſuch order be named by the party or parties proſecuting ſuch order, ſuch minor, married woman, or other perſons aforeſaid; and if ſuch guardian, truſtee, huſband, or ſuch other perſon, as aforeſaid, ſhall refuſe or neglect to produce or ſhew ſuch infant, married woman, or ſuch other perſon, on whoſe life any ſuch eſtate doth depend, according to the directions of the ſaid order, That then the court of *Chancery* is hereby authorized and required to order ſuch guardian, truſtee, huſband, or other perſon, to produce ſuch minor, married woman, or other perſon concealed, in the ſaid court of *Chancery*, or otherwiſe before commiſſioners to be appointed by the ſaid court, at ſuch time and place as the court ſhall direct, two of which commiſſioners ſhall be nominated by the party or parties proſecuting ſuch order, at his, her, or their coſts and charges; and in caſe ſuch guardian, truſtee, huſband, or other perſon, ſhall refuſe or neglect to produce ſuch infant, married woman, or other perſon ſo concealed, in the court of *Chancery*, or before ſuch commiſſioners, whereof return ſhall be made by ſuch commiſſioners, and that return filed in the petty bag office, in either or any of the ſaid caſes, the ſaid minor, married woman, or ſuch other perſon ſo concealed, ſhall be taken to be dead, and it ſhall be lawful for any perſon claiming any right, title, or intereſt in remainder or reverſion, or otherwiſe after the death of ſuch infant, married woman, or ſuch other perſons ſo concealed, as aforeſaid, to enter upon ſuch lands, tenements, and hereditaments, as if ſuch infant, married woman, or other perſon ſo concealed, were actually dead.

Guardian, &c. refuſing to produce ſuch infant, &c.

Party ſo concealed to be taken to be dead, and claimant may enter on land, &c.

II. And be it further enacted by the authority aforeſaid, That if it ſhall appear to the ſaid court by affidavit, that ſuch minor, married woman, or other perſon, for whoſe life ſuch eſtate is holden, is, or lately was at ſome certain place beyond the ſeas in the ſaid affidavit to be mentioned, it ſhall and may be lawful for the party or parties proſecuting ſuch order, as aforeſaid, at his, her, or their coſts and charges, to ſend over one or both the ſaid perſons appointed by the ſaid order, to view ſuch minor, married woman, or other perſon, for whoſe life any ſuch eſtate is holden; and in caſe ſuch guardian, truſtee, huſband, or other perſon concealing or ſuſpected to conceal ſuch perſons, as aforeſaid, ſhall refuſe or neglect to produce or procure to be produced to ſuch perſon or perſons, a perſonal view of ſuch infant, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, That then and in ſuch caſe ſuch perſon or perſons are hereby required to make a true return of ſuch refuſal or neglect to the court of *Chancery*, which return ſhall be filed in the petty bag office, and thereupon ſuch minor, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, ſhall be taken to be dead; and it ſhall be lawful for any perſon claiming any

On affidavit, that minor, &c. is beyond ſea, claimant may ſend over perſons to view ſuch minor, &c.

right,

right, title, or intereſt, in remainder, reverſion, or otherwiſe after the death of ſuch infant, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, to enter upon ſuch lands, tenements, and hereditaments, as if ſuch infant, married woman, or other perſon, for whoſe life any ſuch eſtate is holden, were actually dead.

If infant, &c. alive, after order made, ſuch infant, &c. may re-enter.

III. Provided always, That if it ſhall afterwards appear upon proof, in any action to be brought, that ſuch infant, married woman, or other perſon for whoſe life any ſuch eſtate is holden, were alive at the time of ſuch order made, That then it ſhall be lawful for ſuch infant, married woman, guardian, or truſtee, or other perſon having any eſtate or intereſt, determinable upon ſuch life, to re-enter upon the ſaid lands, tenements, or hereditaments, and for ſuch infant, married woman, or other perſon, having any eſtate or intereſt determinable upon ſuch life, their executors, adminiſtrators or aſſigns, to maintain an action againſt thoſe who, ſince the ſaid order, received the profits of ſuch lands, tenements, or hereditaments, or their executors or adminiſtrators, and therein to recover full damages for the profits of the ſame received, from the time that ſuch infant, married woman, or other perſon, having any eſtate or intereſt determinable upon ſuch life, were ouſted of the poſſeſſion of ſuch lands, tenements, or hereditaments.

If guardian, &c. prove that he hath uſed his endeavours to procure ſuch infant to appear, and that he was then living, &c.

IV. Provided always, That if any ſuch guardian, truſtee, huſband, or other perſon or perſons, holding or having any eſtate or intereſt determinable upon the life or lives of any other perſon or perſons, ſhall by affidavit or otherwiſe, to the ſatisfaction of the ſaid court of *Chancery*, make appear, That he, ſhe, or they have uſed his, her, or their utmoſt endeavours to procure ſuch infant, married woman, or other perſon or perſons, on whoſe life or lives ſuch eſtate or intereſt doth depend, to appear in the ſaid court of *Chancery*, or elſewhere, according to the order of the ſaid court in that behalf made, and that he, ſhe, or they cannot procure or compel ſuch infant, married woman or other perſon or perſons ſo to appear, and that ſuch infant, married woman, or other perſon or perſons, on whoſe life or lives ſuch eſtate or intereſt doth depend, is, are, or were living at the time of ſuch return made and filed, as aforeſaid, then it ſhall be lawful for ſuch perſon or perſons to continue in the poſſeſſion of ſuch eſtate, and receive the rents and profits thereof for and during the infancy of ſuch infant, and the life or lives of ſuch married woman, or other perſon or perſons, on whoſe life or lives ſuch eſtate or intereſt doth or ſhall depend, as fully as he, ſhe, or they might have done if this act had not been made.

Guardian to continue in poſſeſſion, &c.

Guardian, &c. holding eſtates after determination of life of minor, adjudged treſpaſſers.

V. And be it further enacted by the authority aforeſaid, That every perſon who, as guardian or truſtee for any infant, and every huſband ſeized in right of his wife only, and every other perſon having any eſtate determinable upon any life or lives, who after the determination of ſuch particular eſtates or intereſts, without the expreſs conſent of him, her, or them, who

are

are or shall be next and immediately entitled upon and after the determination of such particular estates or interests, shall hold over and continue in possession of any manors, messuages, lands, tenements, or hereditaments, shall be and are hereby adjudged to be trespassers; and that every person and persons, his, her, and their executors and administrators, who are or shall be entitled to any such manors, messuages, lands, tenements, and herditaments, upon or after the determination of such particular estates or interests, shall and may recover in damages against every such person or persons so holding over, as aforesaid, and against his, her, or their executors, or administrators, the full value of the profits received during such wrongful possession, as aforesaid.

Heirs, &c. may recover damages.

CAP. XIX.

An act for continuing the half subsidies therein mentioned, with several impositions and other duties, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks.

MOST *gracious Sovereign, We your Majesty's most dutiful and loyal subjects the commons of* Great Britain *in parliament assembled, duly considering the necessity of making an ample and compleat provision to enable your Majesty to carry on the present war, and to defray your other necessary expences, have for that end and purpose chearfully and unanimously given and granted, and do by this act give and grant to your Majesty, the several and respective subsidies, impositions, and duties herein after particularly described, for and during the terms herein after expressed, that is to say, Whereas several subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and other merchandizes, were given and granted unto his late majesty King* Charles *the Second, of blessed memory, for his life, by an act of parliament (made in the twelfth year of his reign, intituled,* A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported) *and by the book of rates thereunto annexed, which subsidies of tonnage and poundage, and other duties and sums of monies upon wines, goods, and merchandizes, as well exported as imported, (with some alterations) were by several subsequent acts of parliament granted to continue until the first day of* August, *one thousand seven hundred and ten; and by an act of parliament made in the fifth year of your Majesty's reign, intituled,* An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure, *the said subsidies of tonnage and poundage, and other duties and sums of money last-mentioned, were enacted to continue and be payable to your Majesty,*

12 Car. 2. c. 4.

5 Annæ, c. 27.

Majeſty, for and upon all wines, goods and merchandizes, which ſhould be imported at any time or times between the laſt day of July, *one thouſand ſeven hundred and ten, and the firſt day of* Auguſt, *one thouſand ſeven hundred and twelve:* now we your Majeſty's ſaid dutiful and loyal ſubjects, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That over and above all other ſubſidies, additional duties, impoſitions, and payments whatſoever, by any former or other act or acts of parliament or otherwiſe howſoever already due or payable, or which ought to be paid to her Majeſty, for or upon any wines, goods, or merchandizes whatſoever, imported or to be imported, there ſhall be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty, her heirs and ſucceſſors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the laſt day of *July*, one thouſand ſeven hundred and twelve, and before the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall be imported or brought into *Great Britain*, one moiety or half part of ſuch and the like ſeveral and reſpective ſubſidies, duties, and ſums of money, as by the ſaid act of the fifth year of her Majeſty's reign are charged or payable within or during the term thereby granted or limited, for or upon the like imported wines, goods, and merchandizes reſpectively, except ſuch goods and other merchandizes as by the ſaid act of the fifth year of her Majeſty's reign, or by any law now in force are exempted from the payment of the ſubſidies or duties which were firſt granted in the twelfth year of the reign of King *Charles* the Second, as aforeſaid.

Half ſubſidies continued from 31 July, 1712. to 2 Aug. 1714. *Made perpetual by* 7 Ann. c. 7. ſ. 29.

Except goods exempted by former acts.

12 Car. 2. c. 4.

II. And it is hereby enacted, That in all caſes where by the ſaid act of the fifth year of her Majeſty's reign, or by any act relating thereunto, any drawbacks or abatements are to be made of the whole or any part of the duties thereby impoſed on any wines, goods, or merchandizes whatſoever, there ſhall be in the like caſes proportionable drawbacks and abatements made of the whole or part of the duties by this act impoſed upon the ſame wines, goods, and merchandizes reſpectively; and that the ſeveral ſubſidies and duties by this act granted, during the continuance thereof, ſhall be raiſed, collected, levied, ſecured, and paid, within and throughout the kingdom of *Great Britain*, by the ſame ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch allowances, and ſubject to ſuch rules and directions, as in and by the ſaid act of the fifth year of her Majeſty's reign, or by any other act or acts therein referred unto, are preſcribed or appointed for the raiſing, collecting, levying, ſecuring, and paying the ſaid ſubſidies and duties granted by the ſaid act of the fifth year of her Majeſty's reign, during the continuance thereof; and that every article, rule,

5 Annæ, c. 27. The ſame drawbacks to be allowed.

Former powers revived.

and clauſe contained in the ſaid act of the fifth year of her Majeſty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raiſing, collecting, levying, ſecuring, and paying, the ſaid ſubſidies and duties thereby granted, during the continuance thereof, are and ſhall be, by force of this act, revived, and ſhall be uſed, exerciſed, and put in practice for the raiſing, levying, collecting, and anſwering the ſubſidies and duties granted or impoſed by this preſent act, during the continuance thereof, and all arrearages of the ſame, from time to time, as fully and effectually as if the ſame articles, rules, and clauſes, and every of them, were again particularly and at large recited and re-enacted in the body of this preſent act, except only as to ſuch of the ſaid articles, rules, and clauſes touching which other proviſions, alterations, or exemptions are made by any act or acts of parliament now in being, which other proviſions, alterations, or exemptions ſhall be obſerved with reſpect to the duties hereby granted, during the continuance of this act, in the ſame manner as they are to be obſerved with reſpect to the ſaid ſubſidies formerly granted, as aforeſaid.

Duties on wines and vinegar continued from 31 July, 1712, to 1 Auguſt, 1714. 1 Jac. 2. c. 3.

III. And be it further enacted by the authority aforeſaid, That the ſeveral impoſitions and duties upon wines and vinegar, granted by an act made in the firſt year of the reign of his late majeſty King *James* the Second, (intituled, *An act for granting to his Majeſty an impoſition upon all wines and vinegar imported between the twenty fourth day of* June, *one thouſand ſix hundred eighty five, and the twenty fourth day of* June, *one thouſand ſix hundred ninety three*) which ſaid act, by ſeveral ſubſequent acts of parliament ſince made, was continued, and is to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve; ſhall, by virtue of this act, be further continued to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and twelve, to the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and no longer; and that the ſaid act ſo made in the firſt year of the reign of the ſaid late King *James* the Second, and all powers, proviſions, penalties, articles, and clauſes therein contained, for or concerning the ſaid impoſitions on wines and vinegar, ſhall continue and be in full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and ſhall be applied, practiſed, and executed for raiſing, levying, collecting, anſwering, and paying the ſaid duties upon wine and vinegar, hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as fully, to all intents and purpoſes, as if all and every the clauſes, matters, and things in the ſaid act of the firſt year of the reign of the ſaid King *James* the Second contained, had been again in this act repeated, and particularly enacted.

Duties on tobacco continued to 1 Aug. 1714. 1 Jac. 2. c. 4.

IV. And be it further enacted by the authority aforeſaid, That the rates, duties, and impoſitions upon all ſorts of tobacco, granted by an act made in the firſt year of the reign of the ſaid late King *James* the Second, intituled, *An act for granting to his Majeſty an impoſition upon all tobacco and ſugar imported between the*

the twenty fourth day of June, *one thouſand ſix hundred eighty five, and the twenty fourth day of* June, *one thouſand ſix hundred ninety three:* which ſaid act, as for and concerning the ſaid duties and impoſitions upon tobacco only, by ſeveral ſubſequent acts of parliament ſince made, was continued, and is to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve; ſhall by virtue of this act be further continued and paid to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and twelve, to the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and no longer.

V. Provided always, and be it enacted and declared by the authority aforeſaid, That the ſaid duty upon tobacco, which ſhall be imported during the times by this act limited, and all arrears thereof, ſhall be ſecured, collected, raiſed, levied, anſwered, and paid to her Majeſty, in ſuch method, and with ſuch diſcount and allowances, and according to ſuch rules and directions as are mentioned, referred to, or preſcribed as to the duties or impoſitions upon tobacco, in and by the act made in the parliament holden in the ſeventh year of the reign of King *William* the Third, of glorious memory, intituled, *An act for continuing ſeveral duties granted by former acts upon wine, vinegar, and upon tobacco, and* Eaſt India *goods, and other merchandizes imported, for carrying on the war againſt* France, and not otherwiſe. And to be levied, &c. as by 7 & 8 W. 3. c. 10.

VI. And be it further enacted by the authority aforeſaid, That the ſeveral additional and other rates, impoſitions, duties, and charges upon the ſeveral ſorts of goods and merchandizes, granted by an act made in the ſecond year of the reign of King *William* the Third, and Queen *Mary*, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandizes, to be imported after the five and twentieth day of* May, *one thouſand ſix hundred and ninety*, and which thereby, and by ſeveral ſubſequent acts of parliament already made, have continuance until the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, ſhall be further continued to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and twelve, to the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and no longer; and that the ſaid act made in the ſecond year of their ſaid late Majeſties reign, concerning *Eaſt India* goods and other things therein charged, and all powers, proviſions, penalties, articles, and clauſes therein contained, ſhall continue, and be of full force and effect, until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and ſhall be applied, practiſed, and executed for the raiſing, levying, collecting, anſwering, and paying the ſaid reſpective duties hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as fully, and to all intents and purpoſes, as if the ſaid laſt-mentioned act, and all and every the clauſes, matters, and things therein contained, had been again repeated, and particularly enacted; except only as to ſuch part of the ſaid acts concerning Old impoſt continued to 1 Aug. 1714. 2 W. & M. Seſſ. 2. c. 4. All powers, proviſions, &c. in 2 W. & M. Seſſ. 2. c. 4. and 7 & 8 W. 3. c. 10. to be obſerved. Exception.

concerning the ſaid impoſitions on wines, vinegar, tobacco, *Eaſt India* goods, and other merchandizes imported, touching which other proviſions or alterations are made by any act or acts of parliament now in being; which other proviſions or alterations are to be obſerved, and to continue during the continuance of this preſent act, and the ſaid act, intituled, *An act for continuing ſeveral duties granted by former acts upon wine and vinegar, and upon tobacco, and* Eaſt India *goods and other merchandizes imported, for carrying on the war againſt* France; and every article, clauſe, matter, and thing therein contained, for the raiſing, levying, ſecuring, anſwering, and paying the impoſitions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, ſhall be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen.

7 & 8 W. 3. c. 10.

Additional impoſt continued to 1 Aug. 1714.

VII. And be it further enacted by the authority aforeſaid, That the additional and other rates, duties, impoſitions, and charges upon the ſeveral ſorts of goods and merchandizes granted by an act of parliament made in the fourth year of their ſaid late Majeſties reign, intituled, *An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes, for proſecuting the preſent war againſt* France, which by ſeveral ſubſequent acts of parliament already made, have continuance until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, ſhall by virtue of this act be further continued, and be paid and payable to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and twelve, to the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and no longer; and that the ſaid act laſt-mentioned, and all powers, proviſions, penalties, articles, and clauſes therein contained, (except as herein after is excepted and provided) as for and concerning the ſaid rates, duties, and impoſitions, ſhall continue and be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and ſhall be applied, practiſed, and executed for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as if the ſaid laſt-mentioned act, and all and every the clauſes, matters and things therein contained, had been again repeated, and particularly enacted in this preſent act.

1714. 4 & 5. W. & M. c. 5.

New proviſions or alterations made to be obſerved.

VIII. Provided alſo, That in all caſes where any other proviſion or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the ſaid act of parliament for the impoſitions laſt-mentioned, ſuch other proviſions or alterations ſhall be obſerved, during the continuance of the term hereby granted; any thing herein contained to the contrary notwithſtanding.

Duties on whale fins continued to 1 Aug. 1714.

IX. And it is hereby further enacted, That the ſeveral impoſitions and duties for and upon all whale-fins imported, which by an act of parliament in the ninth year of the reign of his

ſaid

ſaid late majeſty King *William* the Third, (intituled, *An act for taking away half the duties impoſed on glaſs wares, and the whole duties lately laid on ſtone and earthen wares, and tobacco pipes, and for granting in lieu thereof new duties on whale-fins and* Scotch *linen*) were granted to his ſaid late majeſty King *William*, and by ſubſequent acts already paſſed, have continuance until the firſt day of *Auguſt*, one thouſand ſeven hundred and twelve, ſhall be, and are hereby continued to her Majeſty, her heirs and ſucceſſors, from the laſt day of *July*, one thouſand ſeven hundred and twelve, to the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and no longer; and ſhall be raiſed, levied, collected, and paid, in ſuch manner and form, and by ſuch ways and means, and under ſuch penalties as are mentioned in the ſaid act for granting the ſaid impoſitions on whale-fins and *Scotch* linen; which act, with all the powers, proviſoes, penalties, articles, and clauſes therein contained, or thereby referred to, ſhall continue and be in full force until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and ſhall be applied, practiſed, and put in execution for raiſing and levying the ſaid duties on whale-fins, hereby continued, and all arrears thereof, as fully and effectually as if all the clauſes, matters, and things therein contained, concerning the ſaid duties on whale-fins, were repeated, and again enacted in the body of this preſent act. 9 & 10 W. 3. c. 45.

X. *And whereas the ſaid ſubſidies of tonnage and poundage, and the ſaid other duties granted therewith, in the ſaid twelfth year of King* Charles *the Second, as aforeſaid, as to wines, goods and merchandizes imported; and the ſaid impoſitions on wines, vinegar, and tobacco, which were firſt granted to King* James *the Second, in the firſt year of his reign; and the ſaid impoſitions on* East India *goods, and other goods charged therewith, which were firſt granted to their late majeſties King* William *and Queen* Mary, *in the ſecond year of their reign; and the ſaid additional impoſitions which were firſt granted to them in the fourth year of their reign; and the ſaid duties on whale-fins imported, which were granted to his ſaid late majeſty King* William, *in the ninth year of his reign, were by the ſaid act of the fifth year of her Majeſty's reign, (intituled,* An act for continuing ſeveral ſubſidies, impoſitions, and duties, and for making proviſions therein mentioned, to raiſe money by way of loan for the ſervice of the war, and other her Majeſty's neceſſary and important occaſions, and for aſcertaining the wine meaſure) *continued, as aforeſaid, until the ſaid firſt day of* Auguſt, *one thouſand ſeven hundred and twelve, in the manner therein mentioned, and are by the ſaid act of the fifth year of her Majeſty's reign, made ſubject and liable to the ſatisfaction of the principal and intereſt monies therein mentioned, which are to be paid and diſcharged in the firſt place out of the ſubſidies, impoſitions, and duties granted or continued by the act laſt mentioned:* now it is hereby further declared and enacted by the authority aforeſaid, That from and immediately after the time that all the principal and intereſt monies, which by the ſaid act of the fifth year of her Majeſty's reign 12 Car. 2. c. 4. 1 Ja. 2. c. 3. 4. 2 W. & M. ſſ. 2. c. 4. 4 & 5 W. & M. c. 5. 9 & 10 W. 3. c. 45. 5 Ann. c. 27. After the principal, &c. charged by 5 Annæ, ſhall be diſcharged,

the half subsidies, &c. to be appropriated for the uses of this act.

are charged upon the several subsidies, duties, and impositions last-mentioned, shall be fully paid off and satisfied, or that sufficient money shall be reserved in the Exchequer for that purpose, then all the monies which shall from thenceforth arise by one moiety or half part of the said subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported (which were first comprehended in the said act of the 12 Car. 2. c. 4. Twelfth year of King *Charles* the Second) and all the monies, which from and after such payment made, or reserving money to discharge all such principal and interest, as aforesaid, shall arise by the said impositions upon wine, vinegar, tobacco, *East India* goods, and other goods therewith charged, and by the said additional impositions on goods and merchandizes, and by the said duties upon whale-fins, for the remainder of the several terms formerly granted, and therein then to come and unexpired (except the necessary charges of raising, levying, collecting, and accounting for the same) shall from time to time be paid into the receipt of the Exchequer distinctly, for the purposes in this present act expressed, and for no other use, intent, or purpose whatsoever.

Necessary charges excepted.

French wines.

XI. *And whereas all wines of the growth and product of* France, *or of any dominions under the* French *King, are by several laws and statutes liable to the payment of several duties upon the importation thereof, and particularly by an act of parliament made in the seventh year of the reign of his said late majesty King* William *the Third (intituled,* An act for granting to his Majesty an additional 7 & 8 W. 3. c. 20. duty upon all *French* goods and merchandizes) *it was enacted, amongst other things, That for every ton of* French *wine imported within the time therein mentioned, there should be paid twenty five pounds above the duties before charged thereupon: but by another act made in the eighth year of the same King's reign, (intituled,* An act 8 & 9 W. 3. c. 24. for granting to his Majesty a further subsidy of tonnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against *France) it was provided, That nothing in the said act of the seventh year of his said late Majesty's reign, should charge any merchandize of the growth of* France, *which should be* bona fide, *seized or taken, and condemned as prize, with any further or other duties than what they were or ought to have been charged withal before the making of the act last-mentioned; and her Majesty, by her royal declaration bearing date the first day of* June, *in the first year of her reign, for the encouragement of her ships of war and privateers, was pleased to subject all ships, vessels, and goods, which should be taken and condemned as lawful prize, to the payment of such customs and duties only as are therein mentioned: and whereas by an act made in the second year of her Majesty's reign, intituled,* An act for granting to her Majesty an additional subsi- 2 & 3 Ann. c. 9. dy of tonnage and poundage for three years, and for laying a further duty upon *French* wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the *East Indies*] *it was enacted, That for every ton of any wines of the*

growth

growth or product of France, *or of any dominions under the* French *King, seized or taken, or to be seized or taken by any of her Majesty's ships, or by any privateers, or otherwise, and which at any time or times, during the term of three years, which commenced from the eighth day of* March, *one thousand seven hundred and three, should be condemned or adjudged as lawful prize, there should be paid to her Majesty the sum of fifteen pounds over and above the duties before that time charged thereupon, without deduction, and so proportionably for a greater or lesser quantity; which duty of fifteen pounds per ton, expired on the eighth day of* March, *one thousand seven hundred and six:* now it is hereby enacted by the authority aforesaid, That for every ton of any wine of the growth or product of *France*, or of any dominions under the *French* King, seized or taken, or to be seized or taken by any her Majesty's ships, or by any privateers, or otherwise, and which at any time or times, from and after the fifteenth day of *March*, one thousand seven hundred and seven, during the present war, shall be condemned or adjudged as lawful prize, and for every ton of any wines of the growth or product of *France*, or of any dominions under the *French* King, which after the said fifteenth day of *March*, one thousand seven hundred and seven, during the said present war, shall be seized and condemned for unlawful importation, or for being brought into any part of *Great Britain* by collusion, there shall be paid to the Queen's majesty the sum of five and twenty pounds of lawful money of *Great Britain*, without deduction, and so proportionably for a greater or lesser quantity.

French prize wine and seizures to pay 25l. per ton, during war.

XII. And it is hereby declared, That (over and above the said duty of five and twenty pounds *per* ton on prize wines by this act imposed) all ships, vessels, wines, and other goods and merchandizes, which shall be taken from the enemy, and condemned as lawful prize, and all wines, goods, and merchandizes which shall be seized and condemned for unlawful importation, or for being brought in by collusion, as aforesaid, during the present war, shall be subject and liable to such or the like customs and duties to which ships, goods, and merchandizes taken and condemned as prize, were subjected or intended to be subjected by her Majesty's declaration aforesaid; and that all the duties by this act chargeable upon ships, wines, goods, and merchandizes, taken or seized, as aforesaid, shall and may be detained and satisfied out of the neat proceed of such respective prizes and seizures, upon sale of the same; and if any entire prize or seizure shall not be sufficient by its neat produce to answer all the said duties thereupon, then the said neat produce shall be applied proportionably towards discharging the said duties, so far as the said produce shall extend thereunto, and so much as shall arise by this act of or for the said duty of five and twenty pounds *per* ton, upon wines taken or seized, as aforesaid, shall be applied towards the payment of the principal and interest to be borrowed upon this act; and the rest of the monies arising by the said duties upon such prizes or seizures, as

Ships, &c. taken as prize, &c. liable to such circumstances as by the Queen's declaration.

Duties to be paid out of the neat proceed upon sale;

if produce be not sufficient, then to be applied proportionably, &c.

aforeſaid, ſhall be apportioned and applied to the ſame ſeveral uſes and purpoſes whereunto the like duties upon the like goods or merchandizes imported, are applicable by virtue of the ſeveral laws relating thereunto.

No drawback allowed for foreign cordage, &c. exported.

XIII. And for encouraging the manufacture of cordage in *Great Britain*, be it further enacted by the authority aforeſaid, That foreign cordage, or cable yarn imported, or to be imported into *Great Britain*, upon exportation thereof, at any time or times from or after the five and twentieth day of *March*, one thouſand ſeven hundred and eight, for any parts beyond the ſeas, ſhall have no allowance or drawback of any duties paid or ſecured by this or any other acts, laws, or ſtatutes whatſoever, upon the importation thereof; any thing in this, or any other act or acts of parliament, or any other matter or thing whatſoever to the contrary notwithſtanding.

XIV. *And whereas notwithſtanding the ſeveral laws now in force for preventing of clandeſtine importation of foreign goods, great quantities of wrought ſilks mixed with gold and ſilver, and other ſilks, have of late been imported, contrary to law, to the great prejudice of the manufacturers of this kingdom:* for remedy thereof, be it enacted by the authority aforeſaid, That from and after the five and twentieth day of *March*, one thouſand ſeven hundred and eight, all and every ſuch perſon and perſons whatſoever, who ſhall ſecretly and clandeſtinely import, bring, or convey into this kingdom, any wrought ſilk or ſilks mixed with gold or ſilver, or any other materials, and all and every their aiders, abettors, and aſſiſtants, ſhall for every ſuch offence forfeit two hundred pounds, over and above the penalties to which the ſame are liable by any laws now in force; and the perſon or perſons in whoſe cuſtody or poſſeſſion ſuch ſilks ſhall be found, or who ſhall ſell or offer the ſame to ſale, knowing thereof, and all and every perſon or perſons who ſhall conceal ſuch ſilks, with intent to prevent the forfeiture of the ſame, ſhall over and above the loſs of the ſaid ſilks, for every ſuch offence forfeit one hundred pounds; one moiety thereof to the Queen's majeſty, her heirs and ſucceſſors; the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, privilege, protection, or wager of law ſhall be allowed, nor any more than one imparlance.

Importers of wrought ſilks to forfeit 200l. &c.

Sellers and concealers forfeit the ſilk and 100l.

Where ſilks ſo forfeited ſhall be ſold.

XV. And be it further enacted, That all ſuch ſilks ſo forfeited, as aforeſaid, in that part of *Great Britain* called *England*, ſhall be ſold at the *Cuſtom Houſe* at *London*, by inch of candle, to the higheſt bidder, and ſuch of them as ſhall be ſo forfeited, as aforeſaid, in that part of *Great Britain* called *Scotland*, ſhall be ſold at the *Cuſtom Houſe* in *Edinburgh*, in like manner, and not otherwiſe.

Clauſe of loan for 729,067l. 15s. 6d. 3q.

XVI. Provided alſo, and it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives, or foreigners, bodies politick or corporate, to advance or lend to her Majeſty at the receipt of

her

her Majesty's Exchequer, as well upon credit of the several subsidies, impositions, and duties by this act granted or continued, as also upon credit of the monies which by the said act of the fifth year of her Majesty's reign, after satisfaction of the principal and interest thereupon, as aforesaid, shall arise by the subsidies, impositions, and duties thereby granted, any sums which shall not exceed in the whole seven hundred twenty nine thousand sixty seven pounds, fifteen shillings and six pence three farthings, for the service of the war, and other her Majesty's occasions; and moreover the treasurer of the Exchequer for the time being, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and directed to cause the officers of the said receipt of Exchequer to receive from time to time by way of loan, from any person or persons, bodies politick or corporate, willing to make the same at the said receipt, any further sum and sums of money, over and above the said sum of seven hundred twenty nine thousand sixty seven pounds, fifteen shillings and six pence three farthings, as shall be sufficient to make good the payment of all the interest monies appointed or allowed by this act, every three months, until the said subsidies, impositions, and duties arising by this or the said act of the fifth year of her Majesty's reign, or either of them first happening, shall come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and meaning of this act; and that all the lenders, as well of the said sum not exceeding seven hundred twenty nine thousand sixty seven pounds, fifteen shillings, and six pence three farthings, as of the said further sums for making good the payment of the intermediate interest as aforesaid, shall have and receive interest for the forbearance thereof, after the rate of six pounds *per centum per annum*; and that no money to be lent upon the security of this act, shall be taxed, rated or assessed by any act of parliament whatsoever.

5 Annæ, c. 27.

and for a further sum for making good the intermediate interest,

at 6l. per cent. tax-free.

XVII. And it is hereby further enacted, That all and every person or persons who shall lend any money upon such credits as aforesaid, and pay the same into the said receipt of Exchequer, shall immediately have a talley of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tallies, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof at the rate aforesaid, and to be paid every three months until the re-payment of the principal; and that all such orders for re-payment of money to be lent, shall be registred in course, according to the dates respectively, without other preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register book, so as the said person, native or foreigner, his her or their executors, administrators, successors or assigns, who shall have his her or their order or orders first entred in the said respective books of register, shall be taken and accounted the first person to be paid out of the monies to come in by this act; and he, she, or they who shall have his her or their

Lenders to have tallies and orders struck, &c.

Payable every 3 months;

Orders to be registred, and paid in course, &c.

their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively, and in courſe; and that the monies to come in, of or for the ſeveral ſubſidies, impoſitions, or duties by this act granted or continued as aforeſaid, and alſo the monies which by the ſaid act of the fifth year of her Majeſty's reign (after ſatisfaction of the principal and intereſt thereupon as aforeſaid) ſhall ariſe by the ſubſidies, impoſitions, and duties thereby granted, as aforeſaid, (except the ſaid duties to ariſe by prizes and ſeizures, other than the duty of five and twenty pounds *per* ton before-mentioned) ſhall be liable in the ſame order to the ſatisfaction of the monies to be lent as aforeſaid, to the reſpective parties, their executors, adminiſtrators, ſucceſſors and aſſigns reſpectively, without undue preference of one before another, and not otherwiſe; and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any her Majeſty's ſubjects, for providing or making of any ſuch books or regiſters, or any entries, views, or ſearch in or for payment of money lent, or the intereſt thereof as aforeſaid, by any of her Majeſty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with treble coſts of ſuit, or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, with damages and coſts to the party grieved, and ſhall be forejudged of his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever incapable of his place and office; and in caſe the auditor of the receipt ſhall not direct, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks herein offending to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages, and coſts to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, ſuit, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law, injunction, or order of reſtraint ſhall in any wiſe be granted or allowed.

without undue preference or fee, &c.

on pain of treble damages, &c.

and to pay the debt, &c.

Clerk liable.

Tallies bearing date the ſame day, no undue preference.

XVIII. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference,

preference, which of those be entred first, so as he enters them all the same day.

XIX. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them. No penalty to incur, if subsequent orders, be first paid, &c.

XX. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans to be registred by virtue of this act, after order entred in the book of register as aforesaid, his executors, administrators, or assigns, by proper words of assignment, to be endorsed and written upon his order, may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders, which the officers shall upon request without fee or charge accordingly make, shall entitle such assignee, his executors, administrators, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, and discharge the same, or any the monies thereby due, or any part thereof. Orders assignable. Assignee may assign again.

XXI. *And whereas in and by the said act of the fifth year of her said Majesty's reign, a credit was given for any sums not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, to be borrowed at an interest, after the rate of six pounds* per centum per annum, *upon the several subsidies, impositions, and duties in that act mentioned; and the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, are thereby authorized and directed to cause the officers of the Exchequer to receive from time to time, by way of loan, at the like interest at the said receipt, any further sum or sums of money over and above the said sum of eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, as should be sufficient to make good the payment of all the interest monies appointed or allowed by that act, every three months, until the subsidies, impositions, and duties therein mentioned, should come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and true meaning of that act:* now it is hereby provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the taking away, altering, or lessening the said power and direction of borrowing monies to make good the payment of the said interest every three months, until the said subsidies, impositions, Clause of loan in 5 Annæ, c. 27. s. 2. not lessened by this act.

and duties in the ſaid recited act mentioned, ſhall come in and be ſufficient for that purpoſe, as aforeſaid, or in any wiſe to alter or prejudice the ſecurity given by the ſaid act of the fifth year of her Majeſty's reign, for the repayment or ſatisfaction of the ſame, or any other the principal and intereſt monies which were ſecured or intended to be ſecured by that act, that the orders for the ſame ſhall be regiſtred in courſe, and paid in the ſame manner, as if this act had never been made; this preſent act, or any thing therein contained, or any other matter or thing whatſoever to the contrary in any wiſe notwithſtanding.

Clauſe of appropriation.

XXII. And be it enacted by the authority aforeſaid, That all the monies lent and to be lent unto her Majeſty on one act of

6 Ann. c. 1. this ſeſſion of parliament, intituled, *An act for granting an aid to her Majeſty to be raiſed by a land tax in* Great Britain, *for the ſervice of the year one thouſand ſeven hundred and eight*, and ſo much money (if any ſuch be) of the tax thereby granted, as ſhall ariſe and remain (after all the loans made or to be made upon that act, and the intereſt thereof, and the charges thereby allowable for the raiſing the ſaid tax, ſhall be ſatisfied, or money ſufficient ſhall be reſerved to diſcharge the ſame:) and all the monies lent and to be lent unto her Majeſty, upon one other act of this

6 Ann. c. 4. ſeſſion of parliament, intituled, *An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and eight*, and ſo much money of the ſaid duties on malt, mum, cyder, and perry thereby granted, as ſhall ariſe and remain after all the loans made or to be made upon that act, or thereby transferred or directed to be transferred thereunto, and the intereſt thereof, and the charges thereby allowable for raiſing the ſaid duties thereby granted, ſhall be ſatisfied, or monies ſufficient ſhall be reſerved to diſcharge the ſame: and the ſum not exceeding five hundred and forty thouſand pounds mentioned and intended to be raiſed by

6 Ann. c. 5. another act of this ſeſſion of parliament, intituled, *An act for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and eight, and other uſes, by ſale of annuities charged on a fund not exceeding forty thouſand pounds* per annum, *to ariſe by appropriating ſeveral ſurpluſſes, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the ſtamp duties, the one third ſubſidy, the duty on ſweets, and one of the branches of exciſe, and by making other proviſion in this act mentioned:* and the ſum not exceeding one million and twenty thouſand pounds, mentioned and intended to be raiſed by an-

6 Ann. c. 11. other act of this ſeſſion of parliament, intituled, *An act for continuing one half part of the ſubſidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King* Charles *the Second, and for ſettling a fund thereby and by other ways and means, for payment of annuities not exceeding eighty thouſand pounds* per annum, *to be ſold for raiſing a ſupply to her Majeſty for the ſervice of the year one thouſand ſeven hundred and eight, and other uſes therein expreſſed:* and the ſum of one million

two

two hundred thousand pounds, agreed to be advanced by the *English* company trading to the *East Indies*, pursuant to an act of this session of parliament for assuring to the said *English* company trading to the *East Indies* on account of the united stock, a longer time in the fund and trade therein mentioned: and the sum not exceeding seven hundred twenty nine thousand and sixty seven pounds, fifteen shillings and six pence three farthings, intended to be raised on this present act, shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed; that is to say, for or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, and tear, and other services of the navy, and the victualling thereof performed, and to be performed; and for the sea service in the office of the ordnance, performed and to be performed; and for or towards making of a wharf and storehouse at *Portsmouth*; and for or towards the land services performed, and to be performed, by the office of ordnance; and to and for subsistence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and seven, to her Majesty's guards and garrisons in *Great Britain*, and the contingent charges of the same; and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and seven; and for or towards the defraying the charges of her Majesty's army and such forces as are or shall be added thereunto, in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the said three and twentieth day of *December*, one thousand seven hundred and seven, and the contingent charges thereunto belonging; and for or towards her Majesty's proportion of the charge of three thousand *Palatines* formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for or towards her Majesty's proportion of the charge of four thousand six hundred thirty nine *Saxons* formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for or towards her Majesty's proportion of the charge of *Bothmar's* regiment of dragoons, consisting of eight hundred men, formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for maintaining her Majesty's established forces to serve in *Spain* and *Portugal*, including the pay of general officers, and the charge of contingencies, and for forrage, waggon money and baggage money, and for the charge of the garrison of *Gibraltar*, and for the augmentation of her Majesty's forces, in order to strengthen the army of the duke of *Savoy*, for making good the alliances with the King of *Portugal*, and for the effectual carrying on the war for recovery of the *Spanish* monarchy to the house of *Austria*; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made or to be made with her Majesty's allies, and other

6 Ann. c. 17.

Ordinary of the navy.

Wharf at Portsmouth.

Guards and garrisons.

Invalids.

Armies in Germany and the Low Countries.

3000 Palatines.

4639 Saxons.

Bothmar's dragoons.

Forces in Spain and Portugal.

Garrison of Gibraltar.

Forces in Savoy.

Alliances with Portugal.

Proportion of subsidies to the allies.

other charges for the service of the war, for any time before or until the five and twentieth day of *December*, one thousand seven hundred and eight; and for the payment of a year and a quarter's interest further on the unsatisfied debentures charged upon the *Irish* forfeitures; and for or towards the transportation of land forces performed and to be performed; and for or towards discharging the premiums and other charges for circulating for another year the bills commonly called the Exchequer bills, which were issued before the last session of parliament; and for or towards the paying of an extraordinary subsidy to the duke of *Savoy* for especial service, in prosecuting the war against *France*, in the year one thousand seven hundred and seven; and for or towards the making good of a sum not exceeding twenty two thousand nine hundred fifty seven pounds two shillings, to complete the sum of forty two thousand nine hundred fifty seven pounds two shillings, for an additional subsidy to the landgrave of *Hesse Cassel*, for augmenting his troops, and marching them into *Italy*, and for defraying their expence of bread, waggons and carriages, and of hospitals for their sick and wounded, for the service of the year one thousand seven hundred and seven; and for or towards the making good a sum not exceeding twelve thousand two hundred eighty four pounds nineteen shillings and eight pence half penny, to defray the charge of the fortifications, and other services of the garrison of *Gibraltar*, in the year one thousand seven hundred and six, and to no other uses, intents, or purposes whatsoever; provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied any sum not exceeding eighty seven thousand one hundred twenty five pounds and ten shillings, towards the charge of maintaining the soldiers raised and to be raised for sea service, with their officers, and the contingent charges thereunto belonging; and out of the monies to be issued for the service of the navy and sea service, as aforesaid, there shall be taken and applied such sums, as together with the said sum not exceeding eighty seven thousand one hundred twenty five pounds and ten shillings, shall be necessary for the charge of maintaining the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

Intereſt on unſatisfied debentures. Tranſports.

Exchequer bills.

Extraordinary ſubſidies to the duke of Savoy.

To the landgrave of Heſſe Caſſel.

Fortifications, &c. of Gibraltar.

87125l. 10s. for the marines.

CAP. XX.

EXP. An act for continuing an act made in the third year of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.*

CAP. XXI.

An act for the avoiding of doubts and questions touching the statutes of divers cathedral and collegiate churches.

I. WHEREAS *several doubts and questions have arisen, and may hereafter arise, in relation to the validity and force of the statutes of divers cathedral and collegiate churches, founded by King* Henry *the Eighth, of famous memory, which doubts and questions have*

been

been occasioned, partly by a temporary act of parliament made in the first year of the reign of Queen Mary *the First, in relation to such statutes made by the said late King* Henry *the Eighth, and in order to defeat the true and pious ends and designs of the said foundations, and partly by reason of the known loss of many records and evidences during the late rebellion in this kingdom: and whereas the said doubts and disputes may in time not only turn to the great disquiet and prejudice of the said foundations, but may prove a manifest obstruction to the peace, order, good government and discipline of the church, unless some speedy and effectual remedy be provided*; be it therefore enacted and declared by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That in all cathedral and collegiate churches, founded by the said King *Henry* the Eighth, such statutes as have been usually received and practised in the government of the same respectively, since the late happy restoration of King *Charles* the Second, and to the observance whereof the deans and prebendaries, and other members of the said churches, from the said time have used to be sworn at their installments or admissions, shall be, and shall be taken and adjudged to be good and valid in law, and shall be, and be taken and adjudged to be the statutes of the said churches respectively; nevertheless so far forth only as the same, or any of them, are in no manner repugnant to, or inconsistent with the constitution of the church of *England*, as the same is now by law established, or the laws of the land. 1 M. 1. sess. 3.

Statutes of cathedral and collegiate churches practised since the restoration of King Charles 2. to be good and valid.

II. Provided always, and be it further enacted by the authority aforesaid, That no person or persons shall at any time hereafter be liable to any prosecution, censure, or punishment whatsoever, for not having observed any of the statutes hereby ratified and confirmed, or for having done any thing contrary to the same, on or before the ninth day of *March*, one thousand seven hundred and seven; any thing herein contained to the contrary notwithstanding.

No prosecution for non observance of statutes, before 9 March, 1707.

III. Provided always, and be it enacted, That it shall and may be lawful for her Majesty, during her life (which God long preserve) from time to time to alter, amend, correct, revoke, diminish, or enlarge the said statutes, or any of them, and to make new statutes and ordinances for the said cathedral and collegiate churches, and for resuming or settling the local visitation of them, or any of them, in such manner, from time to time, as to her Majesty shall seem meet.

Queen may alter, revoke, or enlarge the statutes, and make new ones, &c.

CAP.

CAP. XXII.

An act for continuing ſeveral duties therein mentioned, upon coffee, chocolate, ſpices, pictures, and muſlins, and additional duties upon ſeveral of the ſaid commodities, and certain duties upon callicoes, China *wares and drugs; and for continuing the duties called the two third ſubſidies of tonnage and poundage, for preſerving the publick credit; and for aſcertaining the duties of coals exported for foreign parts; and for ſecuring the credit of the bank of* England; *and for paſſing ſeveral accounts of taxes raiſed in the county of* Monmouth; *and for promoting the conſumption of ſuch tobacco as ſhall have paid her Majeſty's duties.*

1 & 4 Anne, c. 4.

I. MOST *gracious Sovereign, Whereas by an act of parliament made in* England *in the third year of your Majeſty's reign, intituled,* An act for continuing duties upon low wines, and upon coffee, tea, chocolate, ſpices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muſlins, and for granting new duties upon ſeveral of the ſaid commodities; and alſo upon callicoes, China ware, and drugs, *ſeveral duties therein mentioned upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures imported, were continued from the laſt day of* April, *one thouſand ſeven hundred and ſix, till the twenty fourth day of* June, *one thouſand ſeven hundred and ten, and a certain duty upon muſlins imported, after the rate of fifteen pounds for every one hundred pounds of the true and real value thereof, was continued from the twenty ninth day of* September, *one thouſand ſeven hundred and ſix, till the ſaid twenty fourth day of* June, *one thouſand ſeven hundred and ten; and by the ſame act for increaſing your Majeſty's revenues, ſeveral new additional rates and ſums therein particularly expreſſed, were laid upon all coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, which ſhould be imported at any time or times after the firſt day of* February, *one thouſand ſeven hundred and four, and before the twenty fourth day of* June, *one thouſand ſeven hundred and ten, and by the ſame act ſeveral further rates and ſums therein particularly mentioned, were charged or impoſed for and upon all white callicoes, porcelan, commonly called* China *ware, and drugs (except drugs for dying) imported from and after the firſt day of* February, *one thouſand ſeven hundred and four, at any time or times before the ſaid twenty fourth day of* June, *one thouſand ſeven hundred and ten; the ſaid ſeveral duties to be ſeverally aſcertained, anſwered, and paid in the manner therein mentioned; and in the ſaid act there are contained clauſes of credit for lending thereupon any ſums not exceeding in the whole ſeven hundred thouſand pounds, at an intereſt not exceeding the rate of ſix pounds* per centum per annum, *as by the ſame may more largely appear: and whereas it is likely that the duties granted by the ſaid act, may and will determine before the loans made thereupon, and all the intereſt due, or to grow due for the ſame, will be ſatisfied:* we therefore your Majeſty's moſt

most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, for preserving the publick credit, have given and granted, and do by this act give and grant unto your Majesty the several rates, duties, and sums of money to be payable for and upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, muslins, white callicoes, porcelan, called *China* ware, and drugs (except drugs for dying) herein after mentioned, for the term and purpose herein after expressed; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said duties, which by the said act of the third year of her Majesty's reign were continued upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muslins, and the said increased, or new additional rates and duties which were thereby laid upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the said further rates and sums which were thereby charged or imposed for and upon all white callicoes, porcelan, commonly called *China* ware, and drugs (except drugs for dying) shall by virtue of this act be continued and be paid and payable to her Majesty, her heirs and successors, for and upon the same commodities and merchandizes respectively, which shall be imported or brought into *Great Britain*, from and after the three and twentieth day of *June*, one thousand seven hundred and ten, at any time or times within, or during the term of four years from thence next and immediately insuing, the same rates, duties, and sums of money, and every of them respectively (over and above all other duties and impositions whatsoever already charged for or upon the same commodities, or any of them respectively, by any other laws or statutes now in force) to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects as the like rates, duties, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are hereby, or by any other act or acts, laws or statutes whereunto the said act hath reference, prescribed, enacted, or appointed, to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, during the continuance thereof respectively.

Duties on coffee, &c. continued from 23 June, 1710. for 4 years longer.

3 & 4 Ann. c. 4. *and made perpetual by* 7 Ann. c. 7. s. 26. *but the duties on coffee, tea, and cocoa nuts imported, are repealed by* 10 Geo. 1. c. 10. *and new ones imposed.*

Subject to the same penalties, drawbacks, &c. as by former acts. See 7 Geo. 1. stat. 1. c. 21. s. 11.

II. And it is hereby enacted by the authority aforesaid, That all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things provided, settled, or established by the said act of the third year of her Majesty's reign, or by any other act or acts now in force whereunto the same hath relation,

Former powers revived, 3 & 4 Annæ, c. 4.

for the better aſcertaining, raiſing, levying, recovering, anſwering, or paying the ſaid reſpective duties thereby granted, or for making any drawbacks, re-payments, or allowances out of any of the ſaid ſeveral and reſpective duties upon exportation, ſhall be revived, and be continued, and be in force and virtue during the continuance of this act, and further for the recovery of all the arrearages and ſums of money which ſhall become due or payable to her Majeſty, her heirs and ſucceſſors upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, and forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

The ſaid duties, appropriated for ſecuring the monies unſatisfied for loans upon 3 Annæ. See 8 Geo. 1. c. 15. ſ. 17.

III. And it is hereby declared and enacted by the authority aforeſaid, That the ſaid duties upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muſlins, and the ſaid increaſed or additional rates by this act continued and impoſed upon all coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the ſaid further rates and ſums by this act continued, and payable for and upon all white callicoes, porcelan, commonly called *China* ware, and drugs, (the neceſſary charges of raiſing, managing, paying, and accounting for the ſame excepted) ſhall be appropriated, paid, and applied, and be ſubject and liable (over and above the ſaid duties granted upon the like commodities by the ſaid former act) to and for the ſecuring, paying, and ſatisfying all the principal and intereſt monies, which ſhall from time to time remain unſatisfied, of or for the loans made upon the ſaid act of the third year of her Majeſty's reign, not exceeding the ſum of ſeven hundred thouſand pounds before-mentioned, in the ſame courſe, order and manner, as the monies ariſing by the ſaid former act were thereby preſcribed to be applied thereunto, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the like penalties, forfeitures, and diſabilities, as by the ſaid act of the third year of her Majeſty's reign are preſcribed, for diverting or miſapplying any the monies thereby ariſing.

and not diverted to any other uſe.

3 & 4 Annæ, c. 5.

IV. *And whereas by another act of parliament made in* England, *in the third year of your Majeſty's reign (intituled,* An act for granting to her Majeſty a further ſubſidy on wines and merchandizes imported) *certain ſubſidies of tonnage and poundage, commonly called the two third ſubſidies, were granted and made payable for and upon all wines, goods, and merchandizes imported after the eighth day of* March, *one thouſand ſeven hundred and four, within or during the ſpace of four years from thence next and immediately enſuing; in which act there are contained clauſes of credit for lending thereupon, any ſums not exceeding in the whole the ſum of ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny, at an intereſt not exceeding the rate of ſix pounds* per centum per annum; *and it is likely that the ſaid ſubſidies granted by the act laſt-mentioned, may and will determine before the loans made thereupon and all the intereſt due or to grow due for the ſame*

ſame will be ſatisfied: we therefore your Majeſty's ſaid dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, for preſerving the publick credit, have alſo given and granted, and do by this act give and grant to your Majeſty the ſaid ſubſidies of tonnage and poundage, commonly called the two third ſubſidies, herein after particularly deſcribed, for ſuch farther term, and for ſuch purpoſe, as are herein after expreſſed; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the authority aforeſaid, That over and above all other ſubſidies, additional duties, impoſitions, and payments whatſoever, by this or any other act or acts of parliament or otherwiſe howſoever already due or payable, or which ought to be paid to her Majeſty, for or upon any wines, goods, or merchandizes whatſoever imported or to be imported, there ſhall be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty, one other ſubſidy called tonnage, for and upon all wines which from and after the ſeventh day of *March*, one thouſand ſeven hundred and eight, at any time or times, within, or during the ſpace of three years from thence next and immediately enſuing, ſhall be imported or brought into *Great Britain*, that is to ſay, two third parts of ſuch or the like ſeveral and reſpective duties, as by an act of the ninth year of the reign of his ſaid late majeſty King *William* the Third, of glorious memory, were granted to his Majeſty during his life; and by an act in the firſt year of her Majeſty's reign are continued and payable, during her Majeſty's life, for or upon any kind of wine or wines reſpectively; and one other ſubſidy called poundage of all manner of goods and merchandizes to be imported or brought into *Great Britain*, at any time or times from and after the ſaid ſeventh day of *March*, one thouſand ſeven hundred and eight, within or during the ſaid term of three years, by way of merchandize, that is to ſay, two third parts of ſuch or the like ſeveral and reſpective duties, as by the ſaid act of the ninth year of his ſaid late Majeſty's reign were granted, and by the ſaid act of the firſt year of her Majeſty's reign are continued and payable for or upon the ſame goods and merchandizes reſpectively (except tobacco and ſuch currans as ſhall be imported in *Engliſh* built ſhipping, navigated according to the laws now in force, and ſugar from the *Engliſh* plantations, and ſuch goods and other merchandizes, as by the two acts laſt-mentioned, or either of them, are exempted from payment of the ſubſidies thereby granted.)

The two third ſubſidies of tonnage and poundage continued from 7 March, 1708. for 3 years, *made perpetual by* 7 Annæ, c. 7. ſ. 22.

9 & 10 W. 3. c. 23.

1 Annæ, ſtat. 1. c. 7.

Except tobacco, currans, and ſugar from the Engliſh plantations, &c. See 8 Annæ, c. 13. ſ. 21.

V. And be it enacted by the authority aforeſaid, That the ſaid duties, commonly called the two third ſubſidies, by this act granted and continued, as aforeſaid, and every of them reſpectively, ſhall be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, by ſuch rules, ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch diſtribution of the ſaid penalties and forfeitures, and ſubject to ſuch drawbacks, allowances, and re-payments, and in ſuch manner and form in all reſpects, as the like duties, commonly

How duties ſhall be raiſed and accounted for.

called the two third ſubſidies reſpectively, granted by the ſaid act of the third year of her Majeſty's reign, are thereby, or by any other act or acts, laws or ſtatutes whereunto that act hath reference, preſcribed, enacted, or appointed, to be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, during the continuance thereof reſpectively; and that all ſuch of the powers, directions, penalties and forfeitures, clauſes, matters and things provided, ſettled, or eſtabliſhed by the ſaid ſubſidy act of the third year of her Majeſty's reign, or by any other act or acts now in force, whereunto that act hath relation, for the better raiſing, levying, recovering, anſwering, or paying the ſaid reſpective duties, commonly called the two third ſubſidies, thereby granted, or for making any drawbacks, repayments, or allowances out of any of the ſaid ſeveral and reſpective duties upon exportations, ſhall be revived, and be continued, and be in force and virtue, during the continuance of this act; and further for the recovery of all the arrearages, and ſums of money, which ſhall become due or payable to her Majeſty, her heirs and ſucceſſors upon this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

3 & 4 Annæ, c. 4.

Former powers revived.

Duties appropriated for ſecuring the monies unſatisfied upon the ſubſidy act, 3 & 4 Ann. c. 5.

VI. And it is hereby enacted and declared by the authority aforeſaid, That the ſaid duties, commonly called the two third ſubſidies, by this act continued and payable (the neceſſary charges of raiſing, managing, paying, and accounting for the ſame, excepted) ſhall be appropriated, paid, and applied, and be ſubject and liable (over and above the ſaid duties called the two third ſubſidies, granted by the ſaid former act) to and for the ſecuring, paying, and ſatisfying all the principal and intereſt monies, which ſhall from time to time remain unſatisfied of or for the ſaid loans, not exceeding ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny, made upon the ſaid ſubſidy act of the third year of her Majeſty's reign, in the ſame courſe, order, and manner, as the monies ariſing by the act laſt-mentioned were thereby preſcribed to be applied thereunto, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the like penalties, forfeitures, and diſabilities as by the ſaid ſubſidy act of the third year of her Majeſty's reign are preſcribed, for diverting, or miſapplying any the monies thereby ariſing.

and not diverted to any other uſe.

When debt ſhall be paid off, monies to be diſpoſed for publick ſervice.

VII. Provided always, and be it enacted by the authority aforeſaid, That when and as the ſaid reſpective ſums of ſeven hundred thouſand pounds, and ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny, and all the intereſt thereof due and to grow due, ſhall be reſpectively paid off and fully diſcharged, or that ſufficient money ſhall be reſerved in the Exchequer for that purpoſe, purſuant to the true meaning of this act, then and from thenceforth the ſaid duties chargeable by this act with the ſaid principal and intereſt,

intereſt, and either of them reſpectively, for and during the then remainder of the ſaid reſpective terms hereby granted of and in the ſame reſpectively, ſhall be diſpoſeable for the publick uſe and ſervice by authority of parliament, and not otherwiſe; any thing herein contained to the contrary notwithſtanding.

VIII. *And whereas by an act made in the ſixth year of the reign of his ſaid late majeſty King* William *the Third (intituled,* An act for granting to his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals and culm, for carrying on the war againſt *France) reciting, That the impoſition upon coals exported to foreign parts was ſo great, that it was almoſt a prohibition, to the great diminution of his Majeſty's cuſtoms, and leſſening the* Engliſh *navigation on the exportation of coals beyond the ſeas: for remedy whereof it was thereby enacted, That all coals exported beyond the ſeas in foreign bottoms, ſhould during the continuance of that act, only pay ten ſhillings the chaldron, and* Engliſh *bottoms only three ſhillings the chaldron, which part of the ſaid act was to determine on or about the twenty ninth day of* September, *one thouſand ſeven hundred; and by another act made in the eleventh year of the ſame King's reign, for continuing ſeveral laws therein mentioned, it was enacted, That all coals exported beyond the ſeas in foreign bottoms, ſhould from and after the ſaid twenty ninth day of* September, *one thouſand ſeven hundred, for and during the ſpace of ſeven years, and from thence to the end of the then next ſeſſions of parliament, only pay ten ſhillings the chaldron, and in* Engliſh *bottoms only three ſhillings the chaldron; which ſeveral acts, in relation to coals exported, have been found very beneficial and uſeful to the publick, and fully to have anſwered the good ends and intent thereof;* be it therefore enacted by the authority aforeſaid, That all coals exported beyond the ſeas, from and after the end of this preſent ſeſſion of parliament, until the twenty fifth day of *March*, one thouſand ſeven hundred and fifteen, and from thence to the end of the then next ſeſſion of parliament, from *Great Britain* in foreign bottoms, ſhall only pay ten ſhillings the chaldron; and in *Britiſh* bottoms only three ſhillings the chaldron, and after thoſe rates for greater or leſſer quantities; any former law or ſtatute to the contrary notwithſtanding. The ſaid reſpective duties on coals exported, to be raiſed, levied, uplifted, and recovered in the ſame manner, and under ſuch penalties and forfeitures, as any other cuſtoms or duties payable to her Majeſty upon the exportation of any goods or merchandizes are by any law or ſtatute now in force, to be raiſed, levied, uplifted, or recovered in *England* or *Scotland* reſpectively.

6 & 7 W. 3. c. 18.

11 & 12 W. 3. c. 13.

Coals exported in foreign bottoms to pay until 1715, only 10s. per chaldron, in Britiſh bottoms only 3s. per chaldron. How duties ſhall be levied.

See 8 Ann. c. 13. ſ. 5.

IX. *And whereas by an act of parliament made in the eighth year of the reign of his ſaid late majeſty King* William, *of glorious memory (intituled,* An act for making good the deficiencies of ſeveral funds therein mentioned, and for enlarging the capital ſtock of the bank of *England*, and for raiſing the publick credit) *it is amongſt other things enacted, That during the continuance of the corporation of the governor and company of the bank of* England, *no other bank, or any other corporation, ſociety, fellowſhip, company, or*

8 & 9 W. 3. c. 20. & 9 Ann. c. 6. ſ. 5 to 11.

erecting in the nature of a bank, shall be erected or established, framed, allowed, countenanced, or allowed by act of parliament within this kingdom, as in and by the said act more at large may appear: notwithstanding since the passing of the said act some corporations by virtue of the charters to them granted, and other great numbers of persons, by pretence of deeds or covenants united together, have presumed to borrow great sums of money, and therewith, contrary to the tenor of the said act, do deal as a bank, to the apparent danger of the established credit of the kingdom: now for preventing of such practice in time to come, and the mischiefs thence to arise, be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, in the year of our Lord one thousand seven hundred and eight, during the continuance of the governor and company of the bank of *England*, it shall not be lawful for any body politick or corporate whatsoever, erected, or to be erected, other than the said governor and company of the bank of *England*, or for other persons, whatsoever united or to be united in covenants or partnership, exceeding the number of six persons, in that part of *Great Britain* called *England*, to borrow, owe, or take up any sum or sums of money on their bills or notes, payable at demand, or at any less time than six months from the borrowing thereof.

From 29 Sept. 1708, during continuance of bank, no company united in partnership, exceeding 6 in number, shall take money on their bills, payable under 6 months.

X. Provided always, and it is hereby enacted by the authority aforesaid, That all *European* linens, sifters threads, and tapes or incle, linseed, and flax, shall be exempted from the payment of the duties imposed by this act (called the two third subsidies, as aforesaid) during the said term of three years by this act granted of and in the same, as aforesaid; any thing in this act contained to the contrary notwithstanding.

All European linens, &c. exempted from duties by this act.

XI. *And whereas in raising the several sums granted to his late majesty King* William, *and her present Majesty, by several acts of parliament for granting aids by a land tax in the years one thousand seven hundred and one, one thousand seven hundred and two, one thousand seven hundred and three, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, there hath happened a deficiency in the several and respective aids in the county of* Monmouth, *and the commissioners in the said county having caused the same to be re-assessed and paid to the receiver general in a gross sum, and duplicates not regularly returned into her Majesty's remembrancers office in the Exchequer, by reason whereof the receiver is incapable of passing his account*; be it enacted by the authority aforesaid, That the auditor in making up the said receiver's accounts for the said county, shall charge the said receiver with the sums contained in the several acts of parliament for the respective years before-mentioned, so as that the said sums are fully answered to her Majesty, although duplicates for the said county are not regularly returned.

Auditor in making up receiver's accounts for county of Monmouth, to charge him with the deficiency in several aids herein mentioned.

XII. And for promoting the consumption of tobacco of the growth of her Majesty's plantations in *America*, the increase of her Majesty's revenue, and for the better encouragement of the said *British* plantations, be it enacted by the authority aforesaid, That

After 29 Sep. 1708, no tobacco of the growth of Europe, to be

That from and after the twenty ninth day of *September*, in the year of our Lord one thousand seven hundred and eight, it shall not be lawful for any commander of any of her Majesty's ships of war, or purser thereof, to sell, deliver, or cause to be sold or delivered to any of her Majesty's seamen or marines on board of such ship, any tobacco of the growth of *Europe*, nor any tobacco mixed with tobacco of the said growth. Sold in any ships of war.

XIII. And for the better employment of the poor of this kingdom, be it likewise enacted, That all tobacco to be used or consumed on board any of her Majesty's ships of war in any part of *Europe*, from and after the said twenty ninth day of *September*, shall be such as is of the growth of the said *British* plantations which hath paid her Majesty the full duties, and been manufactured in *Great Britain*; upon pain that every such commander or purser who shall knowingly and wilfully offend herein, shall forfeit their respective places and employments, and three shillings for every pound weight of tobacco, and so in proportion for every greater or lesser quantity so sold and delivered; one moiety thereof to the Queen's majesty, and the other moiety to the informer who shall sue for the same by action or information in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law shall be allowed, and no more than one imparlance. But only tobacco of the British plantations, manufactured in Great Britain.

CAP. XXIII.

An act to make further provision for electing and summoning sixteen peers of Scotland *to sit in the house of peers in the parliament of* Great Britain; *and for trying peers for offences committed in* Scotland; *and for the further regulating of voters in elections of members to serve in parliament.*

I. WHEREAS *by the two and twentieth article of the treaty of union for uniting the two kingdoms of* England *and* Scotland, *ratified and confirmed by the respective parliaments of each kingdom, it was, amongst other things, provided, That when her Majesty, her heirs or successors, should declare their pleasure for holding the first, or any subsequent parliament of* Great Britain, *until the parliament of* Great Britain *should make further provision therein, writs should issue under the great seal of the united kingdom of* Great Britain, *directed to the privy council of* Scotland, *commanding them to cause sixteen peers, who were to sit in the house of lords, to be summoned to parliament, in such manner as by an act of the then present session of parliament of* Scotland, *was or should be settled; in which session of the parliament in* Scotland, *an act was accordingly passed for that purpose, intituled,* An act settling the manner of electing the sixteen peers and forty five members to represent *Scotland* in the parliament of *Great Britain*; *which act was afterwards confirmed by the parliament of* England, *and declared to be as valid as if the same had been part of, and ingrossed in the said articles of union; by which act it is, amongst other things, provided and*

enacted, That the ſixteen peers, who ſhould have a right to ſit in the houſe of peers in the parliament of Great Britain, *on the part of* Scotland, *by virtue of the ſaid treaty, ſhould be named by the ſaid peers of* Scotland, *whom they repreſent, their heirs or ſucceſſors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers preſent, and of the proxies for ſuch as ſhould be abſent, the ſaid proxies being peers, and producing a mandate in writing, duly ſigned before witneſſes, and both the conſtituent and proxy being qualified according to law; and that ſuch peers as were abſent, being qualified as aforeſaid, might ſend to all ſuch meetings a liſt of the peers whom they judged fitteſt, validly ſigned by the ſaid abſent peers, which ſhould be reckoned in the ſame manner, as if the parties had been preſent, and given in the ſaid liſt: and in caſe of the death or legal incapacity of any of the ſaid ſixteen peers, that the aforeſaid peers of* Scotland *ſhould nominate another of their own number in place of the ſaid peer or peers, in manner as therein is mentioned; and it was thereby further enacted, That until the parliament of* Great Britain *ſhould make further proviſion therein, the ſaid writs ſo to be iſſued, ſhould contain a warrant and command, to command the ſaid privy council to iſſue out a proclamation in her Majeſty's name, requiring the peers of* Scotland *for the time to meet and aſſemble at ſuch time and place within* Scotland, *as her Majeſty and her royal ſucceſſors ſhould think fit, to make election of the ſaid ſixteen peers, and requiring the lord clerk regiſter, or two of the clerks of ſeſſion, to attend all ſuch meetings, and to adminiſter the oaths as were or ſhould be by law required, and to aſk the votes, and having made up the liſt in preſence of the meeting, to return the names of the ſixteen peers choſen, certified under the ſubſcription of the ſaid lord clerk regiſter, clerk or clerks of ſeſſion attending, to the clerk of the privy council of* Scotland, *to the end that the names of the ſixteen peers being ſo returned to the privy council, might be returned to the court from whence the writ did iſſue, under the great ſeal of the united kingdom, conform to the ſaid twenty ſecond article:*

6 Ann. c. 6. *and whereas by an act of this preſent ſeſſion, intituled,* An act for rendering the union of the two kingdoms more entire and compleat, *it is declared and enacted, That from and after the firſt day of* May, *one thouſand ſeven hundred and eight, the privy council of* Scotland *ſhall ceaſe and determine, whereby it is become neceſſary that ſome further proviſion ſhould be made for the electing and returning the ſaid ſixteen peers, that are to ſit in the houſe of peers in the parliament of* Great Britain, *purſuant to the ſaid treaty*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That at all times hereafter when her Majeſty, her heirs and ſucceſſors, ſhall declare her or their pleaſure for ſummoning and holding any parliament of *Great Britain*, that in order to the electing and ſummoning the ſixteen peers of *Scotland*, a proclamation ſhall be iſſued under the great ſeal of *Great Britain*, commanding all the peers of *Scotland* to aſſemble and meet at *Edinburgh*, or in ſuch other place in *Scotland*, and at ſuch time as ſhall

Proclamation to be iſſued for electing 16 peers of Scotland, to ſit in

ſhall be appointed in the ſaid proclamation, to elect by open election the ſixteen peers to ſit and vote in the houſe of peers in the parliament of *Great Britain*, in ſuch manner as by the before-recited act and herein after is appointed. the parliament of Great Britain.

II. And be it further enacted by the authority aforeſaid, That every proclamation iſſued for the purpoſe aforeſaid, ſhall be duly publiſhed at the market croſs at *Edinburgh*, and in all the county towns of *Scotland*, five and twenty days at the leaſt before the time thereby appointed for the meeting of the peers to proceed to ſuch election. And publiſhed at Edinburgh, &c. 25 days before election.

III. And be it further enacted by the authority aforeſaid, That all the peers who meet on ſuch proclamation, ſhall, before they proceed to the election, and in preſence of the peers aſſembled for ſuch election, take the reſpective oaths, *videlicet*: All the peers preſent to take the oaths.

I A. B. *do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance to her majeſty Queen* Anne. Oaths.

So help me *GOD*.

I A. B. *do ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition, That princes excommunicated or deprived by the pope, or any authority of the ſee of* Rome, *may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate, hath or ought to have any juriſdiction, power, ſuperiority, pre-eminence or authority, eccleſiaſtical or ſpiritual, within this realm.*

So help me *GOD*.

And ſhall alſo make, repeat, and ſubſcribe the declaration following, *videlicet*;

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify, and declare, That I do believe that in the ſacrament of the Lord's ſupper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof by any perſon whatſoever; and that the invocation or adoration of the virgin* Mary, *or any other Saint, and the ſacrifice of the maſs, as they are now uſed in the church of* Rome, *are ſuperſtitious and idolatrous. And I do ſolemnly, in the preſence of God, profeſs, teſtify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by* Engliſh *proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever, and without any diſpenſation already granted me for this purpoſe by the pope, or any other authority or perſon, or without any hope of any ſuch diſpenſation from any perſon or authority whatſoever, or without thinking that I am or can be acquitted, before God or man, or abſolved of this declaration, or any part thereof, although the pope or any* And ſubſcribe the declaration.

other

other perſon or perſons, or power whatſoever, ſhould diſpenſe with, or annul the ſame, or declare that it was null and void from the beginning.

And alſo take and ſubſcribe the oath following, *videlicet:*

And alſo take the following oath.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, That our ſovereign lady Queen* Anne *is lawful and rightful Queen of this realm, and of all other her Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe in my conſcience, the perſon pretended to be prince of* Wales, *during the life of the late King* James, *and ſince his deceaſe pretending to be, and taking upon himſelf the ſtile and title of King of* England, *by the name of* James *the Third, or of* Scotland *by the name of* James *the Eighth, or the ſtile and title of King of* Great Britain, *hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him. And I do ſwear, That I will bear faith and true allegiance to her majeſty Queen* Anne, *and her will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever which ſhall be made againſt her perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to her Majeſty and her ſucceſſors all treaſons and traiterous conſpiracies, which I ſhall know to be againſt her or any of them. And I do faithfully promiſe, to the utmoſt of my power, to ſupport, maintain, and defend the ſucceſſion of the crown againſt him the ſaid* James, *and all other perſons whatſoever, as the ſame is and ſtands ſettled by an act, intituled,* An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown to her preſent Majeſty, and the heirs of her body, being proteſtants; *and as the ſame by one other act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands ſettled and entailed after the deceaſe of her Majeſty, and for default of iſſue of her Majeſty, to the princeſs* Sophia, *electreſs and dutcheſs dowager of* Hanover, *and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promiſe, heartily, willingly, and truly, upon the true faith of a chriſtian.*

Altered by 1 Geo. 1. c. 13.

1 W. & M. ſt. 2. c. 2.

12 & 13 W. 3. c. 2.

So help me *GOD.*

How peers living in Scotland or reſiding in England, not preſent at election, may take the oaths, &c.

IV. And that ſuch peers that live in *Scotland*, but ſhall not be preſent at ſuch meeting ſo appointed, may take the ſaid oaths, and make and ſubſcribe the ſaid declaration in any ſheriff's court in *Scotland*, and every ſheriff, or his deputy, before whom ſuch oaths, and ſuch declaration ſhall be ſo made, ſubſcribed and repeated, ſhall and is hereby required to return the

the original subscription of such oath and declaration, signed by the peer who took the same, and make a return in writing, under his hand and seal to the peers so assembled, of such peers taking the said oaths, and making and subscribing the said oath and declaration, and such peer shall be thereby enabled and qualified to make a proxy, or to send a signed list, containing the names of sixteen peers of *Scotland*, for whom he giveth his vote; and such of the peers of *Scotland*, as at the time of issuing such proclamation, reside in *England*, may take and subscribe the said oaths, and make, repeat, and subscribe the said declaration in her Majesty's high court of *Chancery* of *England*, her Majesty's court of *Queen's Bench*, *Common Pleas*, or court of *Exchequer* in *England*, which being certified by writ to the peers in *Scotland* at their meeting, under the seal of the court where such oath and declaration shall be made, repeated and subscribed, shall be sufficient to entitle such peer to make his proxy, and to send a signed list, as aforesaid; and in case any of the said peers of *Scotland*, who at any time before the issuing of such proclamation, have taken the said oaths, and made and subscribed the said declaration in *England* or *Scotland*, to be certified, as aforesaid, and if taken in parliament, to be certified under the great seal of *Great Britain*, shall at the time of issuing such proclamation be absent in the service of her Majesty, her heirs or successors, such peer may make his proxy, to send a signed list.

And be thereby qualified to make a proxy, &c.

V. Provided always, and be it enacted by the authority aforesaid, That such peers of *Scotland* as are also peers of *England*, shall sign their proxies and lists by the title of their peerage in *Scotland*.

How proxies shall be sign'd.

VI. And be it further enacted by the authority aforesaid, That no peer shall be capable of having more than two proxies at one time.

No peer to have more than two proxies.

VII. And be it further enacted by the authority aforesaid, That at such meeting of the peers, they shall all give in the names of the persons by them nominated to sit and vote in the house of peers in the parliament of *Great Britain*, and the lord clerk register, or two of the principal clerks of the session appointed by him to officiate in his name, shall after the election is made and duly examined, certify the names of the sixteen peers so elected, and sign and attest the same in the presence of the peers; which certificate so signed and attested shall by the lord clerk register, or two of the principal clerks of the sessions, be returned into her Majesty's high court of *Chancery* of *Great Britain*, before the time appointed for the meeting of the parliament.

After election lord clerk register to certify the names of the 16 peers elected.

VIII. And be it further enacted by the authority aforesaid, That the peers shall come to such meetings with their ordinary attendants only, according to and under the several penalties inflicted by the several laws and statutes now in force in *Scotland*, which prescribe and direct with what numbers and attendants

How peers shall come attended to elections.

tendants the subjects there may repair to the publick courts of justice.

And not debate or treat of any matter, &c. except only the election.

IX. And be it further enacted by the authority aforesaid, That it shall not be lawful for the peers so assembled and met together for the electing sixteen peers to sit and vote in the house of peers in the parliament of *Great Britain*, to act, propose, debate, or treat of any other matter or thing whatsoever, except only the election of the said sixteen peers; and that every peer who shall at such meeting presume to propose, debate, or treat of any other matter or thing contrary to the direction of this act, shall incur the penalty of *præmunire* expressed in the statute of the sixteenth year of King *Richard* the Second.

Confirmation of the act of parliament of Scotland.

X. And be it further declared by the authority aforesaid, That all and every matter and things for or concerning the election of sixteen peers of *Scotland*, to sit and vote in the house of peers in the parliament of *Great Britain*, directed and appointed to be observed and done by the articles of union, and the said recited act of parliament in *Scotland*, intituled, *Act settling the manner of electing the sixteen peers and forty five members to represent* Scotland *in the parliament of* Great Britain, which act, by an act of parliament in *England* in the fifth year of her Majesty's reign, intituled, *An act for an union of the two kingdoms of* England *and* Scotland, was declared to be as valid as if the same had been part of, and ingrossed in the articles of union, thereby ratified and approved, shall be observed and performed, except only wherein this act has further declared and provided.

5 Ann. c. 8.

Exception.

In case of death or disability of peer elected, proclamation to issue for electing another.

XI. And be it further enacted by the authority aforesaid, That in case any of the sixteen peers so chosen shall die, or become otherwise legally disabled to sit in the house of peers of the parliament of *Great Britain*; that her Majesty, her heirs and successors shall forthwith, after such death or disability, issue a proclamation under the great seal of *Great Britain*, for electing another peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased, or otherwise legally disabled; which proclamation shall be published at such time and places as is herein enacted, touching proclamations issued upon summoning a parliament of *Great Britain*; and the peers of *Scotland* being qualified as is hereby directed, shall proceed to elect a peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased, or otherwise legally disabled, in such manner, and under such restrictions and regulations as are by this act directed to be observed, upon the electing sixteen peers of *Scotland* to sit in the house of peers of the parliament of *Great Britain*.

How peers shall be tried for treason, murder, &c. committed in Scotland.

XII. And be it further enacted by the authority aforesaid, That for the more effectual trial of any peer of *Great Britain* that hath committed, or shall commit any high treason, petit treason, misprision of treason, murder, or other felonies in *Scotland*, commission or commissions may issue under the great seal of

of *Great Britain*, to be directed to ſuch perſon and perſons as ſhall be therein named, conſtituting them and ſuch a number of them, as ſhall be therein mentioned, juſtices of the Queen, her heirs and ſucceſſors, to enquire by the oaths of good and lawful men of ſuch county and counties of *Scotland* as ſhall be named therein, of all treaſons, miſpriſions of treaſon, murders, and other felonies committed in ſuch county by a peer or peers of *Great Britain*, which inquiſition ſhall be taken and made in the ſame manner as indictments found and taken before juſtices of *Oyer* and *Terminer* of any county of *England*, and ſhall be of the ſame effect, and proceeded upon in the ſame method as any inquiſition found before juſtices of *Oyer* and *Terminer* in *England*, whereby any peer is indicted for any ſuch offence; and ſuch juſtices ſhall iſſue mandates or precepts to the ſheriffs of the reſpective counties of *Scotland*, to return to them at ſuch day and place as they ſhall appoint, ſuch and ſo many good and lawful men of the ſame county, as may be ſufficient, to enquire of the offences aforeſaid, and twelve or more of them ſo returned, being ſworn, ſhall be ſufficient to make ſuch enquiry, and find any indictment; and if the ſheriff of ſuch county ſhall not ſummon a ſufficient number of men to make ſuch inquiſition, the juſtices that do proceed upon ſuch commiſſion may impoſe a fine upon ſuch ſheriff, which ſhall be levied by proceſs out of the Exchequer; and if any of the perſons ſummoned by the ſheriff to enquire, as aforeſaid, ſhall not appear, the juſtices may in like manner impoſe a fine upon ſuch perſons ſo making default, to be levied in manner aforeſaid.

Perſons refuſing to take oath, or quaker to make affirmation, &c. uncapable of voting for election of member, &c. 7 & 8 W. 3. c. 34.

XIII. And be it further enacted by the authority aforeſaid, That every perſon who ſhall refuſe to take the oath laſt herein before recited, or being a quaker ſhall refuſe to declare the effect thereof upon his ſolemn affirmation, as directed by an act of parliament made in the ſeventh year of the reign of his late majeſty King *William*, intituled, *An act that the ſolemn affirmation and declaration of the people called Quakers ſhould be accepted inſtead of an oath in uſual form*, (which oath or declaration the ſheriff, preſident of the meeting, or chief officer taking the poll, at any election of members to ſerve in the houſe of commons for any place in *Great Britain*, or commiſſioners for chooſing burgeſſes for any place in *Scotland*, at the requeſt of any candidate or other perſon preſent at ſuch election, are hereby impowered and required to adminiſter) ſhall not be capable of giving any vote for the election of any ſuch member to ſerve in the houſe of commons for any place in *Great Britain*, or commiſſioner to chuſe a burgeſs for any place in *Scotland*.

Quakers declaring on their affirmation not liable to penalties by 6 Ann. c. 14. & 7 & 8 W. 3. c. 34.

XIV. Provided always, and be it enacted by the authority aforeſaid, That if any perſon being a quaker, ſhall refuſe to take the ſaid oath, being tendred to him in purſuance of an act made this preſent ſeſſion of parliament, intituled, *An act for the better ſecurity of her Majeſty's perſon and government*, but ſhall inſtead thereof, declare the effect of the ſaid oath, upon his ſolemn affirmation, as directed by an act of parliament made in the ſeventh year of the reign of his late majeſty King *William* the

Third, intituled, *An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in usual form*, which affirmation shall be administred to such quakers instead of the said oath, such quaker shall not be liable to any the penalties or forfeitures for refusing the said oath when tendred to him, contained or mentioned in the said act, intituled, *An act for the better security of her Majesty's person and government.*

6 Ann. c. 14.

CAP. XXIV.

An act for the further directing the payment of the equivalent money.

I. WHEREAS *by the treaty of union, and fifteenth article thereof, it is agreed, That* Scotland *shall have an equivalent for what the subjects thereof shall be charged towards payment of the debts of* England *contracted before the union, in all particulars whatsoever; and particularly, that the sum of three hundred ninety eight thousand and eighty five pounds ten shillings, should be granted to her Majesty as an equivalent to* Scotland, *for such parts of the customs and excise there, as should be applicable to the payment of the said debts of* England, *according to the proportions therein set down; and in regard that after the union,* Scotland *becoming liable to the same customs and duties of excises upon all excisable liquors as in* England, *as well on that account as upon the account of the encrease of trade and people, the said revenues will much improve beyond the values mentioned in the said article, of which no estimate could be made, it was agreed, That after the union there should be kept an account of the said duties arising in* Scotland, *to the end it might appear what ought to be answered to* Scotland, *as an equivalent for such proportion of the said encrease as should be applicable to the payment of the debts of* England; *and for the further and more effectual answering the several ends therein after mentioned, it was agreed, That from and after the union, the aforesaid whole encrease of the revenues of customs and excises in* Scotland *therein expressed, should go and be applied for the term of seven years to the uses therein set down; and that upon the said account there should be answered to* Scotland *annually, from the end of seven years after the union, an equivalent, in proportion to such part of the said encrease as shall be applicable to the said debts of* England; *and generally that an equivalent should be answered to* Scotland *for such parts of the debts of* England *as* Scotland *might thereafter become liable to pay, by reason of the union, other than such as are in the said article expressed; and as for the uses to which the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and other monies, which are to be answered or allowed to* Scotland, *as aforesaid, are to be applied, it was thereby agreed, That in the first place, the losses which private persons might sustain by reducing the coin of* Scotland *to the standard and value of the coin of* England, *might be made good; in the next place, That the capital stock or fund of the* African *and* Indian *company of* Scotland *advanced, together with the interest of the said capital stock after the rate of five pounds* per centum

3 Geo. 1. c. 14.

398,085 l. 10 s. granted as an equivalent to Scotland.

Uses to which the said sum is to be applied, viz. Losses by reducing the coin.

centum per annum, *from the reſpective times of payment thereof, ſhould be paid; and as to the overplus of the ſaid ſum of three hundred ninety eight thouſand and eighty five pounds ten ſhillings, and alſo the whole encreaſe of the ſaid revenue of cuſtoms and excize, above the then values ariſing during the term of ſeven years, with the equivalent which ſhould become due upon improvement thereof, and alſo all other ſums, which, according to the aforeſaid agreement, ſhould become payable to* Scotland *by way of equivalent, it was agreed, That the ſame ſhould be applied in manner following, viz. that all the publick debts of the kingdom of* Scotland, *as ſhould be adjuſted by the then parliament of* Scotland, *ſhould be paid; and that two thouſand pounds* per annum, *for the ſpace of ſeven years, ſhould be applied towards encouraging the manufacture of coarſe wooll, within thoſe ſhires which produce the wooll; and afterwards the ſame ſhould be wholly applied for encouraging the fiſheries, and ſuch other manufactures and improvements in* Scotland, *as may moſt conduce to the general good of the united kingdom: and whereas for preventing all miſtakes or abuſes which might hinder the ready application of the aforeſaid money to the proprietors and others concerned in the ſtock of the* African *and* Indian *company of* Scotland, *conform to the ſaid article, there was an act made in the laſt ſeſſion of the laſt parliament of* Scotland, *intituled,* Act concerning the payment of the ſums out of the equivalent to the *African* company, *wherein it is, amongſt other things, enacted, That the directors of the ſaid* African *and* Indian *company of* Scotland, *ſhould make up accounts of the ſums advanced by the proprietors of the ſaid company, and debts due by the ſaid company, the whole, with intereſt due thereon, not exceeding two hundred thirty two thouſand eight hundred and eighty four pounds five ſhillings, and two third parts of a penny ſterling, on the firſt day of* May *then next, and now paſt, and appointed the proprietors for their reſpective ſhares to be paid, and to have execution as therein alſo is expreſſed; and in like manner by another act of the ſaid parliament of* Scotland, *intituled,* Act concerning the publick debts, *the payments to be made on account of the publick debts of* Scotland, *are adjuſted as in the ſaid fifteenth article, and two acts above-mentioned, is more amply contained: and whereas the ſaid ſum of three hundred ninety eight thouſand and eighty five pounds ten ſhillings, has been paid for and on the part of* England, *to the commiſſioners of the equivalent in* Scotland, *purſuant to the aforeſaid articles, and conſiderable ſums have by them been iſſued out, conform to the ſame, and the above recited acts of the parliament of* Scotland; *but by experience it has been found, that ſome further direction is yet neceſſary for the better application of what remains of the ſaid ſum yet unapplied, and all other ſums which are or may become due by virtue of the agreements aforeſaid, and for the more effectual attaining the ends mentioned in the ſaid article of the treaty and acts above recited; therefore her Majeſty's moſt dutiful and loyal ſubjects, the commons of* Great Britain *in parliament aſſembled, do humbly beſeech her Majeſty, that it may be enacted;* and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this

Capital ſtock of the African and Indian company

Overplus monies how applied.

Commiſſioners of the cuſtoms, exciſe, &c. to make two abbreviats of the produce of thoſe revenues, &c.

this preſent parliament aſſembled, and by authority of the ſame, That the commiſſioners, managers, collectors, or other proper officers of the cuſtoms and exciſe upon all exciſeable liquors, and of all other duties and revenues from whence an equivalent may ariſe to *Scotland*, according to the agreements contained in the aforeſaid treaty, ſhall on or before the twenty fourth day of *June*, one thouſand ſeven hundred and eight, make and ſubſcribe two authentick abbreviats of the produce of ſuch revenues, with the amount of the ſeveral ſums which ſhall be due by way of equivalent, according to the ſaid agreements, from the commencement of the union, to the five and twentieth day of *March*, one thouſand ſeven hundred and eight, for the firſt time, and ſo from thence forward half-yearly within three months after expiring of each half year, and ſhall tranſmit one of the ſaid abbreviats to the lord high treaſurer of *Great Britain*, or the commiſſioners of the treaſury for the time being, and the other to the commiſſioners of equivalent in *Scotland* for the time being.

From the union to the 25 March, 1708.

Lord treaſurer on receipt of ſuch abbreviats to order immediate payment, &c.

II. And be it further enacted by the authority aforeſaid, That the lord high treaſurer, or commiſſioners of the treaſury aforeſaid, upon the receipt of ſuch abbreviats, ſhall and may grant his or their warrants or orders for the immediate payment of ſuch ſums as ſhall be ſo found due to the commiſſioners of the equivalent for the time being, or to ſuch perſon or perſons as they ſhall appoint from time to time to receive the ſame, for the purpoſes in this act expreſſed.

III. And whereas by the ſaid fifteenth and ſixteenth acts of the laſt ſeſſion of the laſt parliament of *Scotland*, the ſum of two hundred thirty two thouſand eight hundred and eighty four pounds five ſhillings, and two third parts of a penny, is deſigned and appropriated for payment of the ſums due to the *African* and *Indian* company of *Scotland* out of the equivalent, according to the accounts ordered to be made by the directors of the ſaid company: and alſo whereas the accounts given in by them do fall ſhort of the aforeſaid ſum of two hundred thirty two thouſand eight hundred and eighty four pounds, five ſhillings and two third parts of a penny, in the ſum of ſeven hundred and twenty one pounds, eight ſhillings, and five ſix parts of a penny ſterling, whereby the ſame falls now to be diſpoſable for other uſes: and whereas the ſaid directors of the *Indian* and *African* company have been put to very conſiderable charges in making up the ſaid accounts, and in employing clerks, and others neceſſary for that ſervice, which expences do far exceed the three hundred pounds allowed them by the aforeſaid fifteenth act; be it therefore enacted by the authority aforeſaid, That out of the aforeſaid ſum of ſeven hundred twenty one pounds, eight ſhillings, and five ſix parts of a penny ſterling, there be paid by the aforeſaid commiſſioners of the equivalent to the ſaid directors or their order, the ſum of five hundred pounds ſterling; and as to the remainder of the aforeſaid ſum of ſeven hundred twenty one pounds, eight ſhillings, and five

In what manner 721 l. 8s. and five ſixths of a penny ſhall be diſpoſed of.

five ſix parts of a penny ſterling, That out of the ſame the ſum of one hundred and fifty pounds ſhall be paid by the ſaid commiſſioners of the equivalent to Mr. *Alexander Cunningham*, in ſatisfaction to him of the like ſum advanced and paid out by him while he was employed by his late majeſty King *William*, of glorious memory, for negotiating certain publick affairs concerning *Scotland*; and that the remainder of the ſaid ſum of ſeven hundred twenty one pounds eight ſhillings, and five ſix parts of a penny ſterling, ſhall be applied to the ſame uſes, and in the manner contained in the ſaid ſixteenth act.

IV. And whereas by the ſaid fifteenth article of union, proviſion is made for payment of two thouſand pounds yearly, for the ſpace of ſeven years, to be employed towards the encouraging the manufacture of coarſe wool within thoſe ſhires which produce the ſame: and whereas there having been no direction given, neither by the ſaid treaty of union, nor by any ſubſequent act or order of parliament in *Scotland*, to whom the ſame is to be paid, the commiſſioners of equivalent have hitherto made no payment of any part of the ſaid ſum ſo appropriated; be it therefore enacted by the authority aforeſaid, That the judges of the court of Exchequer in *Scotland* for the time being, ſhall have full power and authority, and are hereby fully impowered and authorized, upon ſuch information or advice as to them ſhall ſeem moſt expedient, to make ſuch diſtribution of the ſaid money yearly, during the ſpace aforeſaid, amongſt thoſe ſhires that produce the ſaid coarſe wool, in ſuch diſtricts or diviſions as they ſhall think fit, and in ſuch proportion as to them ſhall ſeem moſt equitable, with power likewiſe to them to name and appoint certain perſons, one or more for each diſtrict or diviſion, to receive ſuch part of the ſaid two thouſand pounds yearly, as ſhall have been by them allowed and appropriated to ſuch diſtrict or diviſion, whoſe receipt or diſcharge ſhall be ſufficient warrant for the commiſſioners of equivalent to pay the ſame, with further power likewiſe to the ſaid judges of the court of Exchequer to eſtabliſh ſuch rules and orders for diſpoſing of the money ſo received, in ſuch manner as they ſhall think will beſt anſwer the ends and deſign for which the ſame is granted by the ſaid treaty of union, and to appoint perſons in every diſtrict or diviſion to overſee and direct the diſpoſal of the ſaid monies, and to be accountable to them for ſuch their adminiſtration.

Judges of the Exchequer to diſtribute 2000l. per ann. for encouraging the manufacture of coarſe wool.

V. And whereas by the aforeſaid ſixteenth act of the laſt ſeſſion of the laſt parliament of *Scotland*, intituled, *An act concerning publick debts*, the lords of her Majeſty's treaſury in *Scotland* were appointed betwixt this and the firſt day of *May* then next, to draw up an account of the ſaid debts due to the civil liſt and army, to be given in to the commiſſioners of the equivalent, and to give certificates to the reſpective parties having right to any of the ſaid debts, that by virtue of thoſe certificates the parties may be empowered to uſe diligence, and to recover their monies in manner therein directed: and whereas by reaſon

And make up the accounts of the debts of Scotland.

ſon of the great variety and importance of thoſe accounts, and the remiſſneſs of the parties having intereſt, it has fallen out, That no full or diſtinct account has yet been made, purſuant to the ſaid act, and conform to the orders and claſſes therein mentioned; be it therefore enacted by the authority aforeſaid, That the judges of the court of Exchequer in *Scotland* for the time being, ſhall and are hereby impowered to make up liſts according to the ſaid ſixteenth act, and for that end to call for all books, accounts, or other records or writings neceſſary for theſe purpoſes, and all havers of ſuch writs are ordained to exhibit the ſame; and in caſe of refuſal, the ſaid judges are hereby impowered to uſe ſuch form of execution or diſtreſs, as to them ſhall ſeem expedient.

All perſons intereſted in the ſaid debts, to compear before the judges at Edinburgh.

VI. And be it further enacted by the authority aforeſaid, That the ſaid judges ſhall by publick proclamation at the market-croſs of *Edinburgh*, or by any other form of publick proclamation the ſaid judges ſhall think fit, intimate to all parties within or without the kingdom, having intereſt in any of the publick debts of *Scotland* before the union, and having right by the ſaid act of parliament to claim, to compear by themſelves, or their lawful procurators or attorneys before the ſaid judges at *Edinburgh*, in the ordinary place where the ſaid court of Exchequer meets, at or before any day to be by them therein appointed, not ſhorter than ſix months from the date of the publick proclamation at the market-croſs of *Edinburgh*, and there to exhibit their claims and inſtructions, declaring, That the accounts hereby and by the afore recited act of parliament of *Scotland* appointed to be made, ſhall be made up only of ſuch claims as ſhall be preſented to them within the ſaid time, and the commiſſioners of the equivalent impowered to pay theſe only who ſhall be contained in the ſaid general account.

And exhibit their claims.

Judges to proceed without delay in making up the accounts.

VII. And to the end that the aforeſaid accounts may be the more fully and regularly made up, and in ſuch expeditious manner as may be moſt uſeful to all parties concerned, be it alſo further enacted by the authority aforeſaid, That the ſaid judges ſhall proceed without loſs of time or delay whatſoever, to the making up of the aforeſaid accounts, according to the claims and inſtructions duly preſented and verified: and the ſaid general accounts being ſo made up, an authentick copy of the ſame ſubſcribed by the ſaid judges of the Exchequer, ſhall be delivered to the commiſſioners of the equivalent, or their ſecretary or clerk, and certificates ſhall be granted to each of the ſeveral parties *gratis* of ſuch article of the ſaid general account as does concern them: which certificate ſhall be ſigned in manner aforeſaid, and ſhall contain the name of the party to whom the debt was originally due, the ſum payable, with the liſt civil or military upon which the ſame is charged, and the claſs and order of preference of ſuch debt, according to the ſaid ſixteenth act, and ſhall be aſſignable and transferrable by indorſement.

Copy to be delivered to the commiſſioners of the equivalent.

Perſons omitting to make

VIII. And be it further enacted by the authority aforeſaid, That ſuch perſons as ſhall happen to omit to compear and make good

good their ſaid claims before the ſaid judges of the Exchequer, within the time to be by them appointed in manner above directed, and ſhall thereby loſe the benefit of being placed and ſtated upon the ſaid general account, according to which only the commiſſioners of equivalent are by this act impowered to make payment as is above more at large expreſſed, ſhall nevertheleſs be allowed to compear by themſelves, or others by them lawfully impowered for that end, before the ſaid judges of the Exchequer on any lawful day within one year after elapſing of the ſaid firſt day, to be by them appointed, and there to exhibit and make good before them their reſpective claims; which claims ſo made good, ſhall be by the ſaid judges of Exchequer admitted and formed into one ſecond general account without diſtinction or order of preference whatſoever, to be by them ſigned and delivered to the commiſſioners of equivalent, as alſo ſhall grant certificates transferrable by indorſement; and in the ſame manner and form as theſe upon the firſt general accounts are hereby directed, payable by the commiſſioners of equivalent next and immediately after the whole debts due upon the firſt two general accounts.

good their claims to loſe the benefit of being placed upon the general account.

But may make good their claims within a year after, &c.

IX. Declaring always, and it is hereby enacted and declared, That ſuch perſons as ſhall neglect to compear and make good their claims, as is above appointed, before elapſing of this ſecond term hereby granted, ſhall for ever after be excluded and debarred from all right, claim or pretenſion they may have for payment to be made to them of ſuch their debts out of this or any other equivalent ariſing to *Scotland* by virtue of the treaty of union.

Or for ever after be excluded.

X. And whereas certificates may have been granted by the lords of treaſury to ſundry perſons, which have not yet been preſented or paid, and which might occaſion confuſion if ſuch precepts ſhould yet remain in force, be it therefore enacted by the authority aforeſaid, That all ſuch certificates ſhall ceaſe and become void.

Certificates from treaſury not yet preſented, void.

XI. And for the better direction for the commiſſioners of the equivalent in payment and application of the monies of the equivalent, be it enacted by the authority aforeſaid, That the commiſſioners of the equivalent ſhall be liable in the manner preſcribed in the aforeſaid ſixteenth act of the laſt ſeſſion of the laſt parliament of *Scotland*, to the ſeveral parties having intereſt, and in all caſes where the ſaid commiſſioners ſhall not have ſufficient ſums of money in their hands for anſwering the whole ſum due to any particular order or claſs, be it further enacted by the authority aforeſaid, That upon preſenting of any certificate made and ſigned in manner above directed, and agreeing with the ſaid general accounts, the ſaid commiſſioners ſhall make payment to the parties having right reſpectively and proportionably, as the ſums due to the ſaid parties have proportion to the whole ſum due to the ſame claſs, and ſhall retire the principal certificate, with a receipt on the back thereof, for ſuch ſum as ſhall be then paid, and ſhall give forth to the ſaid

In what manner the commiſſioners of the equivalent ſhall make payment.

parties reſpectively transferrable debentures, containing the ſum remaining due, with the liſt either civil or military, upon which it is due, and the order of preference; which debenture ſhall have the ſame force and authority for the ſum therein contained as the principal certificate above-mentioned; and upon each partial payment the former debentures being retired with a receipt of the ſum then paid, new debentures ſhall be granted of the ſame nature and force as the former, until the whole be paid and diſcharged.

Commiſſioners impowered to receive certificates for publick debts.

XII. And whereas it appears, That after the payment and diſpoſal of the above-mentioned whole ſum of three hundred and ninety eight thouſand eighty five pounds, ten ſhillings, there will ſtill remain very conſiderable ſums of publick debts to be paid and ſatisfied out of the other ſums which according to the agreements contained in the treaty of union, will become payable to *Scotland* by way of equivalent; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the commiſſioners of equivalent, and they are hereby directed and impowered from time to time to call for and receive all and every certificates for ſuch publick debts to be ſigned by the judges of the court of Exchequer in *Scotland*, by virtue of this act, from the perſons having right thereto; and where there ſhall not be ſufficient monies of the ſaid ſum of three hundred and ninety eight thouſand eighty five pounds ten ſhillings, remaining in their hands for payment of the ſums therein contained, That then upon the perſon or perſons having right to the ſaid ſums contained in the ſaid certificates, granting his or their receipt or diſcharge upon the back thereof, and delivering the ſame to the commiſſioners of equivalent for their warrant, they ſhall grant to ſuch perſon or perſons one or more debentures for the ſums contained in the ſaid certificate ſo diſcharged, or for ſuch part thereof as ſhall then remain unpaid, in ſuch form and manner as they ſhall judge moſt proper: which debentures ſhall be aſſignable and transferrable by indorſement, and bear intereſt after the rate of five pounds *per cent. per annum*, from the twenty fourth day of *June* one thouſand ſeven hundred and eight, and payable out of the firſt and readieſt of the ſaid other ſums ariſing by way of equivalent only, preferable to all principal ſums; and that half yearly, that is to ſay, Upon the twenty fifth day of *December*, and the twenty fourth day of *June* annually, until the ſaid whole intereſt and arrears thereof, together with the principal ſums of ſuch debentures ſhall come to be paid off, and diſcharged, in the rank and order of preference by this act, and the ſaid ſixteenth act of the laſt ſeſſion of the laſt parliament in *Scotland* directed.

And grant debentures for the ſums contained therein, &c. which ſhall be aſſignable and bear 5 l. per cent. intereſt.

On notice of payment, intereſt to ceaſe.

XIII. Providing always, and be it hereby provided, That when publick intimation ſhall be made by the commiſſioners of equivalent (in ſuch manner as to them ſhall ſeem moſt expedient) for all perſons having intereſt to come in and receive the ſums due to them upon all or any of the aforeſaid debentures, or any proportion thereof, according to the rules aforeſaid, at

or

or before any day in ſuch publick intimation to be expreſſed, the obligation for payment of the ſaid intereſt upon any ſuch ſums, or proportion of ſums, ſhall from that day forth ceaſe and become void.

Commiſſioners to pay a years penſion to the late biſhops, and to the poor in Queen's charity roll.

XIV. And whereas, the caſe of the arrears of penſions due to the late biſhops in *Scotland*, and to the poor upon her Majeſty's charity there, are of themſelves pious cauſes and of preſſing neceſſity, and their conditions were repreſented to the commiſſioners of the equivalent of *Scotland*, to the end that the ſame might be laid before the parliament of *Great Britain* for relief; be it therefore enacted by the authority aforeſaid, That out of the firſt and readieſt of the money remaining in the hands of the commiſſioners of the equivalent, appointed for payment of the debts upon the civil liſt, there ſhall be paid by them a full year's penſion of her Majeſty's charity to the late biſhops and their repreſentatives, and the poor in her Majeſty's charity-roll, in part of payment of what is due to them, preceding the firſt of *May* one thouſand ſeven hundred and ſeven.

Commiſſioners to be allowed in their accounts 920l. per ann. for neceſſary charges, &c.

XV. And whereas the commiſſioners of equivalent have already advanced, and will in the further progreſs of their management, be under a neceſſity to lay out money for defraying the neceſſary charges that attend their truſt, and for defending in proceſſes before the judge ordinary, when the titles of parties are not clear, and have employed ſeveral ſervants, on whom they have ſettled fees and ſalaries, although there has been hitherto no proviſions made for ſuch expence; be it therefore enacted, That allowance be given for ſuch ſums as have been, or ſhall neceſſarily be by them laid out for theſe purpoſes, as alſo that they have power to pay the neceſſary fees and ſalaries, not exceeding the ſum of nine hundred and twenty pounds in the year; which ſums allowed for expences and fees ſhall be a charge upon, and payable out of the firſt and readieſt of the money which is or ſhall be in the hands of the ſaid commiſſioners from time to time, and ſhall be allowed to the ſaid commiſſioners in their accounts for the ſaid ſums.

Judges to ſtate the deficiency of the ſupplies for the year 1707.

XVI. And in regard the ſupplies granted by the laſt parliament in *Scotland*, for the publick ſervice of that part of *Great Britain*, for the year one thouſand ſeven hundred and ſeven, appear to have fallen ſhort of the actual expence which ſhould have been provided for by that parliament; be it enacted by the authority aforeſaid, That the ſaid judges of the court of Exchequer in *Scotland* for the time being, ſhall and are hereby directed to ſtate and take an account of the ſaid deficiencies, to the end the ſame may be ſatisfied in ſuch manner as the parliament of *Great Britain* ſhall hereafter think fit.

XVII. And whereas the commiſſioners of equivalent have been at conſiderable pains and charges in attending the diſtribution of the equivalent-money, and are made liable in their perſons and eſtates to the parties having intereſt, and to account to the parliament of *Great Britain* for their adminiſtration: and whereas there has been no expreſs proviſion made for an

allowance to them, in conſideration of their ſaid great pains and expence; be it therefore enacted by the authority aforeſaid, That each commiſſioner of the equivalent named or to be named, and accepting and acting, ſhall have allowance of the ſum of three hundred pounds yearly during his continuance in the adminiſtration thereof, which ſhall be due and payable out of all the ſums of money that have or ſhall become due to *Scotland*, by way of equivalent, other than the aforeſaid ſum of three hundred and ninety eight thouſand eighty five pounds, ten ſhillings, and ſhall be allowed in any accounts to be made for the ſame, after payment of the intereſt upon the debentures appointed to be made in manner by this act directed; any thing in this act contained to the contrary notwithſtanding.

Commiſſioners of the equivalent to have each 300 l. per ann.

XVIII. And whereas it being juſt and reaſonable that the commiſſioners of equivalent ſhould be only liable for what is done during the time of their having continued in truſt; and that the actions, executions and diſtreſſes provided to have effect and paſs againſt the ſaid commiſſioners, by virtue of the aforeſaid fifteenth and ſixteenth acts paſſed in the parliament of *Scotland*, ſhould not remain as a perpetual incumbrance upon their perſons and eſtates; be it therefore enacted by the authority aforeſaid, That no action, execution or diſtreſs, ſhall be competent againſt any who have been or ſhall be named, and has accepted or ſhall accept to be commiſſioners of equivalent, for any other fact or deed of the ſaid commiſſioners in the matter of their truſt, other than ſuch facts or deeds as have fallen out, and have been done during the time of the ſaid commiſſioner or commiſſioners, his or their continuing in the ſaid truſt.

No action to be competent againſt any commiſſioner, &c.

XIX. And be it further enacted by the authority aforeſaid, That all action, diſtreſs or execution againſt the ſaid commiſſioners, or any of them, on account of miſtakes in payment, ſhall determine and be preſcribed within the ſpace of two years after the date of the payment that ſhall happen to be controverted; and that any action commenced within that ſpace, ſhall be proſecuted and finally determined within the ſpace of three years after the commencement thereof; any law, ſtatute or uſage to the contrary notwithſtanding: reſerving nevertheleſs to the parties having intereſt, action againſt all who have by any ſuch error received money to which they have no right.

How and when actions ſhall commence and determine, &c.

XX. And whereas it appears that the accounts of the ſtock advanced, and debts due by the *African* and *Indian* company in *Scotland*, have been made up without regard to the claim of *William Paterſon* eſquire, for his expences, pains and loſſes, on account, and at the inſtance of the ſaid company; be it enacted by the authority aforeſaid, That no omiſſion or neglect of the directors of the ſaid company, or of others concerned in ſtating, adjuſting or certifying the claims or demands upon the equivalent, ſhall prejudice the right, intereſt, claim or demand of the ſaid *William Paterſon*, in and upon the ſaid company, but that the ſeveral ſums due to him by the ſaid company, ſhall be

No omiſſion of directors of African company to prejudice the right of William Paterſon.

be certified and thereupon fully ſatisfied and paid in the terms of the treaty of union, as the ſame ſhall be proved before the aforeſaid judges of the court of Exchequer in *Scotland*.

Judges to repreſent his loſſes and ſervices to the Queen.

XXI. And in regard that ſince the making of the firſt contracts and agreements the ſaid *William Paterſon* hath been at further expences, and ſuſtained other loſſes and damages for and on account of the ſaid company; be it therefore further enacted, That the ſaid judges of the court of Exchequer in *Scotland* ſhall and are hereby required to take an account of thoſe his expences and loſſes, and likewiſe of his good ſervices and publick taxes, and make a full and fair repreſentation thereof to her Majeſty.

Judges may direct commiſſions of enquiry into Great Britain, &c.

XXII. And to the end that the more full and free enquiries may be made, and information had of the premiſſes, the ſaid judges of the court of Exchequer in *Scotland*, ſhall and may, from time to time, direct their commiſſion or commiſſions to any commiſſioner or commiſſioners within this kingdom of *Great Britain*, or dominions and territories thereunto belonging, for taking the requiſite examinations or informations to the purpoſes aforeſaid, and for reporting the ſame to the ſaid judges of the court of Exchequer in *Scotland*.

No officer, &c. of Exchequer to receive any fee, &c. in making up of claims, &c.

XXIII. And be it further enacted by the authority aforeſaid, That no clerk, ſecretary, accountant, or other officer or ſervant whatſoever, belonging to the ſaid court of Exchequer in *Scotland*, or the commiſſion of equivalent, ſhall receive any fee or reward whatſoever for his or their pains, attendance or ſervice in making up, ſtating, adjuſting, or determining the claims or debts belonging to any perſon or perſons which by this act are appointed to be made, ſtated or adjuſted, nor for granting certificates, or obtaining payment or ſatisfaction for the ſums therein contained, or intereſt thereof, upon pretext of bills, petitions, diſcharges, or any other pretext whatſoever, under the pains of forfeiting their ſaid offices, as alſo the third part of the ſum contained, or to be contained in ſuch certificate, upon occaſion whereof the ſaid exaction is made, to be recovered to the perſon from whom ſuch money ſhall be unduly exacted, or to the informer before the judge competent ſummarily, without abiding the courſe of the roll.

On penalty.

CAP. XXV.

EXP.

An act to enable her Majeſty to make leaſes and copies of offices, lands, and hereditaments, parcel of her duchy of Cornwall, or annexed to the ſame.

All leaſes made by copy of court roll, or within ſeven years next enſuing according to cuſtom of manor, &c. to be good in law. No leaſe to be for more than three lives, or 31 years. All covenants, &c. in leaſe, &c. good. Saivo of right to all perſons, &c. except the Queen, &c. On payment of compoſition-money for taking off increaſed rent, ſuch increaſed rent to ceaſe.

CAP. XXVI.

An act for ſettling and eſtabliſhing a court of Exchequer *in the north part of* Great Britain *called* Scotland.

5 Annæ, c. 8. WHEREAS *in and by the nineteenth article in a late act of parliament made in the fifth year of her now Majeſty's reign, intituled,* An act for an union of the two kingdoms of *England* and *Scotland, it is amongſt other things provided, That there ſhould be a court of* Exchequer *in* Scotland *after the ſaid union, for deciding queſtions concerning the revenues of cuſtoms and exciſe there, having the ſame power and authority in ſuch caſes, as the court of* Exchequer *has in* England, *and that the ſaid court of* Exchequer *in* Scotland, *have power of paſſing ſignatures, gifts, tutories, and other things, as the court of* Exchequer *in* Scotland *then had, and that the court of* Exchequer *that then was in* Scotland, *ſhould remain until a new court of* Exchequer *be ſettled by the parliament of* Great Britain *in* Scotland *after the union, which union took effect upon the firſt day of* May, *in the ſixth year of her now Majeſty's reign, one thouſand ſeven hundred and ſeven, and thereby the ſaid two kingdoms of* England *and* Scotland *became united into one kingdom, by the name of* Great Britain; to the intent therefore that there may be a court of *Exchequer* ſettled and eſtabliſhed in *Scotland*, purſuant to the purport and meaning of the ſaid recited act, and of the nineteenth article therein contained; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *May*, one thouſand ſeven hundred and eight, a court of *Exchequer*, to be called and known by the name of *The court of* Exchequer *in* Scotland, ſhall be, and by authority of this act is hereby erected, conſtituted, and eſtabliſhed in and for that part of *Great Britain* called *Scotland*, and that the ſaid court of *Exchequer* ſhall be and is hereby enacted to be a court of record, revenue, and judicature, for and within *Scotland*, and to have continuance for ever, and to be held within the city of *Edinburgh*, at ſuch place or places where the former *Exchequer* of *Scotland* before the ſaid union was uſually held, or at ſuch other place or places in *Scotland*, as by authority from the Queen's majeſty, her heirs or ſucceſſors, and in default thereof, by the judges of the ſaid court of *Exchequer* for the time being, ſhall from time to time be directed, limited or appointed.

From firſt May, 1708, a court of Exchequer to be erected in Scotland.

II. And it is further enacted by the authority aforeſaid, That the lord high treaſurer of *Great Britain* for the time being, and ſuch other perſon and perſons as by commiſſions from the Queen's majeſty, her heirs and ſucceſſors, under the ſeal which by the ſaid articles of union is appointed to be kept in *Scotland*, from time to time, ſhall be ordained, conſtituted, or appointed to be the chief baron, and other barons of the ſaid court of *Exchequer* in

And to be a court of record for ever, lord treaſurer, and ſuch others as Queen ſhall appoint to be chief baron

in *Scotland*, ſhall be the judges of and in the ſaid court; and the ſaid lord high treaſurer and barons, and the ſaid barons in the abſence of the ſaid lord high treaſurer, ſhall have and put in execution all and every the judicial and other powers and authorities of or belonging, or which ſhall or may appertain or belong to the ſaid court, or wherewith the ſaid court ſhall be inveſted, and the ſaid barons ſhall remain, and have continuance in their reſpective offices and places *quam diu ſe bene geſſerint*; which barons of the *Exchequer* are to be made of ſuch as have been, are or ſhall be ſerjeants at law, or barriſters of law of five years ſtanding in ſome of the four inns of court in *England*, or elſe of ſuch perſons as ſhall have been, are or ſhall be advocates in the college of juſtice in *Scotland* for five years; and the ſaid barons of the *Exchequer* in *Scotland* ſhall reſpectively take the ſame oaths of office, *mutatis mutandis*, and other oaths, as the barons of the court of *Exchequer* in *England* have uſed, or ought to take, upon their admiſſions into their reſpective offices, the ſaid oaths to be taken for the firſt time before the court of ſeſſion in open court, in caſe the ſaid court be ſitting, or otherwiſe, in caſe the ſaid court be not then ſitting; before any three of the lords of ſeſſion, and at all times hereafter before the ſaid court of *Exchequer*; and the ſaid chief baron and barons ſhall uſe and wear ſuch robes and habits as the chief baron and barons of the court of *Exchequer* in *England* do uſe and wear, or ſuch other robes or habits as her Majeſty, her heirs or ſucceſſors, ſhall appoint.

and barons of the Exchequer, ſhall be judges of the ſaid court.

And continue in their offices *quam diu ſe bene geſſerint*. 7 Geo. 2. c. 16. ſ. 4.

And take the ſame oaths of office as the barons in England.

And wear ſuch robes, &c.

III. And it is further enacted by the authority aforeſaid, That there ſhall be in the ſaid court of *Exchequer* in *Scotland*, the ſeveral offices following, that is to ſay, The office of Queen's remembrancer, the office of lord treaſurer's remembrancer, the office of clerk of the pipe, and ſuch other offices now in being in the court of *Exchequer* in *England*, or are now in being in *Scotland*, relating to ſignatures, gifts, and tutories, as the Queen's majeſty, her heirs and ſucceſſors, ſhall from time to time think fit and proper, to be conſtituted and appointed under the ſeal which by the ſaid articles of union is appointed to be kept in *Scotland*; and that ſuch perſons ſhall be the maſters or chief officers of and in the ſaid reſpective offices, and for ſuch term, eſtate, and intereſt therein, as the Queen's majeſty, her heirs and ſucceſſors, ſhall from time to time by letters patents under the ſeal aforeſaid, ordain or appoint, and that the ſaid maſters or chief officers of the aforeſaid ſeveral offices ſhall have and appoint from time to time under them, and in their reſpective offices, ſuch and ſo many attornies and clerks as ſhall be fit and proper for the buſineſs in their reſpective offices; which ſaid maſters and chief officers, as alſo the ſaid attornies and clerks, ſhall, before their admiſſions into their offices or places reſpectively, take ſuch oath or oaths in the ſaid court, or before the chief baron, or one of the barons of the ſaid court, for their faithful and honeſt carriage and behaviour in their ſaid offices reſpectively, as the like officers, attornies and clerks in the court of *Exchequer* in *England* have uſed

Other offices to be in the ſaid court.

uſed and ought to do, or as by the barons of the ſaid court of *Exchequer* in *Scotland* ſhall for that purpoſe be deviſed and appointed.

Officers, &c. may be puniſhed for neglect of duty.

IV. Provided nevertheleſs, That the ſaid ſeveral chief officers in the reſpective offices aforeſaid, as alſo the ſaid attornies, clerks, and other officers of or belonging to the ſaid court of *Exchequer* in *Scotland* for the time being, ſhall all of them be ſubject and obedient to the ſaid court of *Exchequer*, and may be ſuſpended, puniſhed, or amoved by the ſaid court for neglect of duty, or for crimes and miſdemeanors in their reſpective offices and places, or other juſt cauſes.

Queen to aſſign a ſeal, for the court.

V. And be it further enacted by the authority aforeſaid, That there ſhall be a ſeal to be aſſigned or appointed by the Queen's majeſty, her heirs and ſucceſſors, for the ſealing all ſuch letters patents, grants, commiſſions, writs, precepts, and other proceſs and proceedings, which ſhall iſſue out of or be awarded by the ſaid court of *Exchequer* in *Scotland*, or ought or ſhall be directed to paſs under the ſeal of the ſaid court; which ſeal ſhall be kept in the cuſtody of the chief baron of the ſaid court of *Exchequer* in *Scotland*, for the time being; and the ſaid chief baron or ſuch perſon or perſons as he ſhall depute, and for whom he will be anſwerable, ſhall therewith ſeal all letters patents, grants, commiſſions, writs, precepts, and other proceſs and proceedings before-mentioned, which ſhall be brought to be ſealed; and for that purpoſe ſhall attend at proper and convenient times and places to be directed by the ſaid court of *Exchequer* in *Scotland*, or any of the barons thereof (in caſe any queſtion ſhall ariſe touching the ſame;) and the ſaid court of *Exchequer* in *Scotland* is hereby impowered from time to time to depute and appoint all ſuch other officers, miniſters, clerks, ſervants, and attendants for the conſtituting of which there is no other proviſion made by this act, as ſhall be thought convenient for the uſe and ſervice of the ſaid court, and for the carrying on and diſpatch of the buſineſs therein, ſubject and liable nevertheleſs to be ſuſpended, puniſhed, and amoved, and to the taking of ſuch oaths, *mutatis mutandis*, for the faithful execution of their reſpective offices, places, and employments, as herein before is provided for any the officers, attornies or clerks in the ſaid court of *Exchequer* in *Scotland*; and all and every the ſheriffs, by themſelves or their ſufficient deputies for whom they are to be anſwerable, and other officers, miniſters, and ſubjects in *Scotland*, are hereby enjoined and required to be from time to time aiding, aſſiſting, obedient to, and attendant upon the ſaid court of *Exchequer* in *Scotland*, and the judges and juriſdiction thereof, in all things relating to the ſaid court of *Exchequer*, which do, may, or ſhall any ways touch or concern their reſpective offices or duties in any manner of wiſe, and ſhall be liable and ſubject to ſuch penalties and puniſhments for neglect of their duties, or for any contempts or diſobedience to the ſaid court, or the proceſs thereof, or for any other neglect, contempt, or offence, as ſhall be

Chief baron to keep the ſame.

Court may conſtitute other officers, &c. for ſervice of the court.

Who ſhall take the oaths, &c.

All ſheriffs, &c. to be attendant.

ſet or impoſed upon them reſpectively by the ſaid court of *Exchequer*.

Its juriſdiction and authority.

VI. And be it further enacted by the authority aforeſaid, That all and every the revenues and duties of cuſtoms and exciſe, and all and every other the revenues, debts, duties, and profits of what nature or kind ſoever, any ways appertaining, or which hereafter ſhall appertain to the Queen's majeſty, her heirs or ſucceſſors within *Scotland*, either as Queen of *Great Britain*, or as prince and ſteward of *Scotland*, and all honors, caſtles, manors, lands, tenements, and hereditaments in *Scotland*, which now do, or hereafter ſhall appertain to the Queen's majeſty, her heirs or ſucceſſors, by force or virtue of any attainder, outlawry, ſeizure for any crime or cauſe of forfeiture, debt, or duty, or upon any extent, commiſſion, or otherwiſe, or by force and virtue of the royal prerogative, or by any other right or title whatſoever, and all and every the rents, iſſues, and profits thereof, or of any of them, and alſo all and every the goods, chattels, debts, credits, rights, titles, and perſonal eſtate within *Scotland*, any ways accruing or belonging, or which hereafter ſhall belong to the Queen's majeſty, her heirs and ſucceſſors, by force or virtue of the royal prerogative, or of any attainder, outlawry, extent, inquiſition, debt, duty, or forfeiture, or by any other right, title, ways, or means whatſoever, and all the remedies and means for the recovering the ſame, or the poſſeſſion thereof, and all accounts relating thereto, and alſo all and every forfeitures and penalties which have been incurred, or ſhall or may incur or become any ways due and payable in *Scotland*, by force or virtue of any law or ſtatute touching or relating to the cuſtoms or exciſe, or by force or virtue of any penal or other laws or ſtatutes whatſoever, and alſo all fines, iſſues, forfeitures, or penalties, of what nature or kind ſoever happening, ariſing, or accruing to the Queen's majeſty, her heirs or ſucceſſors within *Scotland*, and all informations, actions, ſuits, or demands, and alſo all obligations, recognizances, ſpecialties, and other ſecurities, touching or concerning the before-mentioned matters and things, and all proſecutions, remedies, and accounts, for or concerning the ſame or other the premiſſes, ſhall be within the juriſdiction and authority of the ſaid court of *Exchequer* in *Scotland*, and hereby are annexed to the ſaid court; and the barons of the ſaid court for the time being ſhall have and exerciſe, and by virtue of this act are and ſhall be inveſted with all powers, authorities, and juriſdictions as well judicial as otherwiſe, for the hearing and determining of all actions, ſuits, and queſtions in law or equity, touching the aforeſaid revenues, honors, caſtles, manors, lands, tenements, goods, chattels, debts, duties, forfeitures, penalties, profits, and all other matters or things herein before-mentioned, and annexed to the ſaid court of *Exchequer* in *Scotland*, or the juriſdiction thereof; and that the ſaid court of *Exchequer* in *Scotland*, ſhall and may act, do, and proceed therein and thereupon in every reſpect whatſoever, as by law, or as the court of *Exchequer* in *England*, by the conſtitution, courſe,

Power veſted in the barons.

courſe, or practice of or in the ſaid court, hath been or is enabled, or hath uſed or practiſed to do in the like caſes in *England*, and upon and in all ſuch informations, actions, ſuits, or demands, or touching or concerning any the premiſſes, or any the proceedings thereupon, ſhall and may make all ſuch orders and rules, and direct, award, and iſſue all ſuch writs, precepts, proceſs, and methods of proceedings, as hath or have been, is, are, or may be done or practiſed in the ſame or like caſes in the court of *Exchequer* in *England*; all which informations, actions, ſuits, and proſecutions, proceſs, and proceedings relating thereto, or to any the premiſſes ſhall be had, made, and done in the office of the remembrancer of the Queen's majeſty, her heirs or ſucceſſors, in the ſaid court of *Exchequer* in *Scotland*; and the ſaid barons of the court of *Exchequer* in *Scotland* are hereby authorized and required, in caſe of any neglect or default by any the plaintiffs or defendants in any the ſaid informations, actions, or ſuits, or in any other informations, actions, or ſuits, which ſhall be commenced, ſued, or proſecuted in the ſaid court of *Exchequer* in *Scotland*, for any matter or cauſe whatſoever within the juriſdiction of the ſaid court, to give and cauſe judgments to be entred againſt any the parties making default to plead or proceed to trial, and for recovery and condemnation of any goods, chattels, or other things ſeized as forfeited, and for which no claim ſhall be duly entred, and to give and cauſe judgments to be entred in caſes of demurrers joined in any the ſaid cauſes depending before them, and to do, act, and proceed in and about all and every the premiſſes, as fully to all intents and purpoſes, as the barons of the court of *Exchequer* in *England*, by law, or by the courſe and method of proceedings in that court, ſhould or might, or could do, or order to be done in ſuch or the like caſes, matters, or things, in caſe the ſame were or ſhould be depending in the ſaid court of *Exchequer* in *England*, and upon any iſſues joined in any the ſaid cauſes, or in any other cauſes triable in the ſaid court upon matters of fact, or which would be triable or inquirable by juries (if the ſame were in *England*) the barons of the *Exchequer* in *Scotland*, are hereby authorized and required to cauſe the ſame to be tried, either at the bar of the ſaid court, or elſewhere, at ſuch times and places as ſhall be for that purpoſe by the court appointed, by a jury of twelve perſons of that county, ſhire, city, or place in *Scotland*, where the ſaid matters in iſſue to be tried did ariſe, or of ſuch other county, ſhire, city, or place in *Scotland*, where the ſaid court of *Exchequer* ſhall order or direct the ſame to be laid and tried; each of which jurymen ſhall at the time of ſuch trial have and be ſeized in his own right, or right of his wife, of lands or tenements of an eſtate of inheritance, or for his or her life, within the county, ſhire, city or place from whence the jury is to come, of the yearly value of five pounds at the leaſt, or ſhall be then worth in goods, chattels, and perſonal eſtate, the ſum of two hundred pounds ſterling at leaſt, and for want thereof, or for any other juſt and reaſonable cauſe, ſhall be ſubject to be challenged and

Cauſes triable by juries.

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ſet aſide; and in all verdicts to be given by the juries the whole number of twelve muſt agree; and the ſaid barons of the court of *Exchequer* in *Scotland*, and ſuch of them before whom any ſuch trials ſhall be, or ſhall be appointed to be, ſhall, by virtue of this act, have full power and authority to proceed to ſuch trials, and to make, award, and iſſue all ſuch orders, rules, writs, and other proceſs, and do or cauſe to be done all other acts, matters, and things of what nature ſoever, as well in order to any ſuch trials and notices for the ſame, as in, upon, and after the ſaid trials, in every reſpect whatſoever, whether with relation to ſheriffs and other officers, parties, jurors, witneſſes, challenges, or other matters or proceedings in, about, or relating to any ſuch trials, or the verdicts to be taken thereupon, or nonſuits therein, and have and execute as fully and amply, to all intents and purpoſes, all powers, authorities, and juriſdictions, relating to, or proper for any ſuch trials, or the matters for which ſuch trials ſhall or ought to be, in every reſpect whatſoever, and for awarding coſts upon the account of any ſuch trials, or for not proceeding to trial, and for awarding any new or other trials, as the barons of the court of *Exchequer* in *England*, or any of them, before whom any trials, either at the bar, or otherwiſe, have been or ſhould have been by the laws of *England*, or by the conſtitution, power, or practice of the ſaid court of *Exchequer* in *England*, or by virtue of any law or ſtatute, commiſſion or authority whatſoever, hath or have been, is or are enabled, or have uſed to make, do, or execute in or concerning any ſuch or the like trials or caſes in *England*, and after any ſuch trials had, the ſaid barons of the ſaid court of *Exchequer* in *Scotland*, and the officers, attornies, and clerks in the ſaid court, ſhall and are hereby enabled and required to give rules, and do all other things in order for judgments to be entred in the ſaid court of *Exchequer* in *Scotland*, upon the records of trials at bar, and of the returns of records of *Niſi prius* in caſe of trials in the countries, as are, have been, or may be uſed or practiſed in like caſes in the court of *Exchequer* in *England*; and the barons of the ſaid court of *Exchequer* in *Scotland* may and ſhall proceed to give judgment according to the right of the cauſes, and to award executions upon ſuch judgments, and to do and award all and every act, matter, and thing touching and relating to any ſuch trials, judgments, or executions, as by law, or the rules, orders, or directions of the court of *Exchequer* in *England*, or by the laws or ſtatutes in *England*, or hath or have been or ought to be uſed in ſuch or the like caſes.

Barons in or out of court, to take recognizances for debts, &c.

VII. And it is hereby further enacted and declared by the authority aforeſaid, That the ſaid barons of the court of *Exchequer* in *Scotland*, or any one or more of them, either in court or out of court, ſhall have full power and authority to take all manner of recognizances and ſecurities for debts, and that all obligations, recognizances, ſpecialties, and other ſecurities for any the revenues, rents, debts, duties, accounts, profits, or other things accruing, or which ſhall or may become due or accrue to the Queen's majeſty, her heirs or ſucceſſors, within *Scotland*, or which

ſhall

ſhall in any wiſe concern or relate thereto, or any the officers, miniſters, or accountants thereof, or for the ſame, or which ſhall be taken in or by the order of the ſaid court of Exchequer in *Scotland*, or upon any other account for the uſe or benefit of the crown, or for ſecuring any the revenues, debts, or duties of the crown, ſhall be taken in the name of the Queen's majeſty, her heirs and ſucceſſors, and to be paid to the Queen's majeſty, her heirs and ſucceſſors, with other proper words, and with and under ſuch conditions as ſhall be ſuitable to the matter for which they ſhall be taken, and ſhall have the full force and effect of any obligations, recognizances, and ſpecialties, which have been or may be taken or acknowledged in the court of *Exchequer* in *England*, according to the purport, true intent and meaning of the ſtatute in that behalf made in *England* in the three and thirtieth year of the reign of King *Henry* the Eighth, or any other law or ſtatute, or any practice, cuſtom, or uſage in the court of Exchequer in *England*, or by virtue of the royal prerogative; and that all ſuits and proſecutions upon any the ſaid obligations, recognizances, and ſpecialties, or for any revenues, debts, or duties any ways due or payable to the Queen's majeſty, her heirs and ſucceſſors, within *Scotland*, ſhall be in the ſaid court of Exchequer in *Scotland*, and her Majeſty, her heirs and ſucceſſors, ſhall be preferred and have preference in all ſuits and proceedings in the ſaid court of Exchequer in *Scotland*, according to the ſaid ſtatute of the three and thirtieth year of King *Henry* the Eighth, and according to the uſage, courſe, and practice of the court of Exchequer in *England*, and ſhall have and enjoy ſuch and the ſame prerogatives, as well in and about pleadings, and in all other matters and things, as by any the laws in *England*, or courſe of Exchequer in *England*, have been, are or ought to be allowed; and as well the bodies, as the lands and tenements, debts, credits, and ſpecialties, goods, chattels, and perſonal eſtate of all debtors or accountants to the crown, or their debtors in *Scotland*, ſhall be ſubject and liable, and ſhall and may be made ſubject and liable by extent, inquiſition, and ſeizures, or by any other proceſs, ways, or means, to the payment of ſuch debts, duties, or revenues to the crown, and in ſuch and the ſame manner and form, to all intents and purpoſes as hath been, or is uſed in the court of Exchequer in *England* in like caſes.

33 H. 8. c. 39.

All ſuits and proſecutions, &c. thereupon to be in Exchequer court.

No debt, &c. to the crown in Scotland, to ſubject any real eſtate there, otherwiſe than by the laws of Scotland.

VIII. Provided nevertheleſs, That no debt or duty from any the debtors or accountants to the crown in *Scotland*, ſhall affect or ſubject any real eſtate in *Scotland*, of any ſuch debtors or accountants, to the payment or ſatisfaction of any ſuch debt or duty, further or otherwiſe, or in any other manner or form, than ſuch real eſtate may or ought to be ſubject and liable thereto by the laws of *Scotland*, and that the laws of *Scotland* ſhall, in in all ſuch caſes, and for all ſuch purpoſes, hold place and be obſerved; any thing in this act contained to the contrary notwithſtanding: and for all the purpoſes in this act mentioned, the ſaid court of Exchequer in *Scotland*, and the barons, and other officers thereof and therein, ſhall have, exerciſe, and put

Barons, &c. to execute the powers hereby granted.

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in execution within *Scotland*, all and every the powers, authorities, and juriſdictions, as to all matters and things whatſoever, ariſing or happening, or which have or ſhall ariſe and happen within *Scotland*, touching or concerning any the aforeſaid revenues or duties of cuſtoms and exciſe, and other revenues, debts, or duties, obligations, ſecurities, judgments, or ſpecialties, or the recovery of the ſame, or of any other the premiſſes, which the court of Exchequer in *England*, or the barons or officers thereof, by virtue of the ſaid ſtatute made in *England* in the ſaid three and thirtieth year of the reign of King *Henry* the Eighth, or of any other ſtatute made and in force in *England*, or by the conſtitution, courſe, or practice uſed in the court of Exchequer in *England*, have or ought to have performed or put in execution in *England*, as fully and amply, to all intents and purpoſes, as if the ſame powers, authorities, and juriſdiction were in this act particularly expreſſed and thereby enacted; yet ſo nevertheleſs, that nothing be done to make the real eſtate in *Scotland* of any debtor or accountant to the crown there, ſubject or liable to the payment of any debts or duties to the crown, farther or otherwiſe than they may or ought to be by the laws of *Scotland*, according to the purport of the proviſo laſt herein before-mentioned; and the barons of the ſaid court of Exchequer in *Scotland*, ſhall and may act and do in reſpect to any the parties in law or equity to any action, information, ſuit, or proſecution in the ſaid court of Exchequer in *Scotland*, in ſuch caſes, ſort, and manner, as by any the laws or ſtatutes in *England*, or the uſe and practice of the court of Exchequer there, touching the awarding of coſts, and iſſuing proceſs and execution for the ſame, hath or have uſed to be done.

All ſtatutes in England of jeofails, &c. to extend to all actions brought in court of Exchequer in Scotland, &c.

IX. And be it further enacted by the authority aforeſaid, That the ſeveral ſtatutes in *England* of jeofails, and for amendments, ſhall extend to all ſuch actions, informations, and ſuits, to be brought in the court of Exchequer in *Scotland*, for the recovery of any debt, duty or revenue due to the crown, as fully and amply, to all intents and purpoſes, as they do or ought to extend to the court of Exchequer in *England*, or any cauſes or proceedings therein in ſuch or the like caſes; and that in the ſaid court of Exchequer in *Scotland*, there ſhall be kept and obſerved four terms in every year, whereof one of them ſhall be called *Martinmas Term*, and ſhall yearly commence upon the third day of *November*, and end on the twenty ninth day of *November*; and another of them ſhall be called by the name of *Candlemas Term*, and ſhall yearly commence upon the twenty third day of *January*, and end upon the twelfth day of *February* yearly; and another of them ſhall be called by the name of *Whitſuntide Term*, and ſhall yearly commence upon the twenty fifth day of *May*, and ſhall end on the fifteenth day of *June* following; and the fourth of them ſhall be called by the name of *Lammas Term*, and ſhall yearly commence on the twentieth day of *July*, and ſhall end on the eighth day of *Auguſt* following; and if any of the ſaid days on which any of the ſaid terms ſhall begin or end, ſhall happen to be a *Sunday*, then ſuch term reſpectively ſhall begin

Four terms to be kept every year.

During which, barons to hear and determine cauſes, &c.

gin or end the next day following; in and during which terms the barons of the ſaid court ſhall ſit therein, and hear and determine the buſineſs, cauſes, matters, and things depending, or which ſhall, may, or ought to be proſecuted in the ſaid court either in law or equity, or which ſhall or may concern the revenues, debts, duties, matters, or things within the juriſdiction of the ſaid court, and that either with or without any adjournment to or for any time or place; and that the ſaid barons ſhall and may order and appoint the days and times for the returns of writs or proceſs iſſuing out of, and returnable in the ſaid court and ſet and impoſe upon all ſuch ſheriffs and other officers and perſons, bodies politick or corporate, to whom the execution of ſuch writs or proceſs do or ſhall appertain, ſuch iſſues, fines, amerciaments, and penalties, as to the ſaid court ſhall ſeem fit and reaſonable; and the ſaid barons in court, or any of them out of court, ſhall take bails, recognizances, and other ſecurities, informations, bills, anſwers, and affidavits, and take and declare accounts, and do and execute all matters and things relating to the buſineſs or juriſdiction of the ſaid court, as fully to all intents and purpoſes as the barons of the Exchequer in *England*, or any of them, have or do uſe in ſuch or the like caſes in or out of court there; and the barons of the court of Exchequer in *Scotland*, are hereby alſo authorized and enabled to hold plea in equity by *Engliſh* bill, petition, or ſuit to be brought or exhibited in the ſaid court by or againſt the attorney or advocate general of the Queen's majeſty, her heirs and ſucceſſors, on her or their behalf, or for her or their intereſt, or by or againſt any other perſon or perſons any ways concerned in or about any the revenues, debts, or duties, before-mentioned, touching the ſaid revenues, debts, or duties, for any diſcovery or relief in equity; and in and upon ſuch bills, petitions, and ſuits, the ſaid court of Exchequer ſhall and are hereby enabled to iſſue and award proceſs of *Subpœna* or *Diſtringas*, and all other uſual and proper proceſs for compelling the parties defendants to or in ſuch ſuits, to put in their anſwers, and make their defences to ſuch bills, petitions, or ſuits, and for the parties to ſuch ſuits to proceed therein and thereupon, according to ſuch rules or orders, and in ſuch manner and form as the court of Exchequer in *England* hath uſed to proceed by; and upon iſſues joined in any the ſaid cauſes or ſuits in equity, the court of Exchequer in *Scotland* is to cauſe witneſſes to be examined (if deſired on either ſide) by commiſſions to be awarded for that purpoſe, or by ſworn examiners, and after publication of the depoſitions of the witneſſes, to proceed to the hearing of the ſaid cauſes, and upon the proofs and evidence therein or thereupon, or upon bill and anſwer where no witneſſes ſhall be examined or proofs made, to make ſuch orders and decrees either for the relief of plaintiffs, or for directing any iſſue or iſſues at law to be tried for the information of the conſcience of the court, or for diſmiſſing of the ſaid plaintiffs bills, or otherwiſe, as to the ſaid court ſhall ſeem juſt and reaſonable, and as is or hath been uſed in the court of Exchequer

And appoint days and times for returns of writs.

And take bails, &c.

And hold plea in equity by Engliſh bill, &c.

And award proceſs thereon.

And make orders and decrees.

chequer in *England*; ſave only that all iſſues at law directed, as aforeſaid, for the information of the conſcience of the court, ſhall be and are hereby ordered to be made up and proceeded upon in the ſaid Queen's remembrancer's office in *Scotland*, in ſuch manner as ſuch iſſues are uſed to be made up and proceeded upon in the office of pleas in the court of Exchequer in *England*; and the ſaid court ſhall award ſuch proceſs for the inforcing any of the parties to ſuch ſuits to perform and yield obedience to ſuch orders or decrees as ſhall be made in the ſaid cauſes, and in caſe of non-performance thereof, or diſobedience thereunto, the ſaid court ſhall award all ſuch proceſs of contempt againſt the perſons and eſtates of him, her, or them that ſhall be in contempt, or refuſe obedience to any the ſaid orders or decrees, as hath been uſed and practiſed in like caſes, in or by the court of Exchequer in *England*, and make and execute like proceſs, orders, and proceedings thereupon, as are uſed in the court of Exchequer in *England* in like caſes.

Barons to enjoy the ſame privileges as members of the college of juſtice, &c.

X. And be it further enacted by the authority aforeſaid, That the barons of the court of Exchequer in *Scotland*, and all and every the officers and members of the ſaid court of Exchequer, ſhall be entitled to, and have and enjoy ſuch and the ſame privileges and immunities, as the members of the college of juſtice have and enjoy by the law, cuſtom, and practice in *Scotland*, excepting only that they may be purſued in juſtice before the lords of ſeſſion for cauſes not competent to the court of Exchequer.

All officers of the revenues in Scotland, to be ſubject to the juriſdiction of the court of Exchequer.

XI. And be it further enacted by the authority aforeſaid, That all the officers and perſons imployed or to be imployed in or about the collecting, receiving, managing, paying, anſwering, or accounting for any the revenues or duties of cuſtoms or exciſe, or other crown revenues, debts, or duties in *Scotland*, ſhall be under and ſubject to the rules, orders, directions, authority, power, and juriſdiction of the ſaid court of Exchequer in *Scotland*, in all things touching the ſaid revenues, debts, duties, or accounts, and touching the collecting, ordering, and management thereof, and the paying and anſwering the ſame, and concerning any ſecurities to be given, or oaths to be taken relative thereto, which are not or ſhall not be contrary to, or inconſiſtent with the commands, orders, and directions in force, of or from the Queen's majeſty, her heirs or ſucceſſors, or of or from the lord high treaſurer of *Great Britain*, or the lords commiſſioners of the treaſury in *Great Britain* for the time being; and that all and every ſuch perſon and perſons, as is, or are, or ſhall be appointed under the aforeſaid ſeal, which by the articles of union is appointed to be kept in *Scotland*, to be the auditor or auditors of the ſaid revenues of cuſtoms or exciſe, or other crown revenues or duties whatſoever in *Scotland*, or any part thereof, ſhall take the ſame, or like oath, *mutatis mutandis*, for the due execution of his or their office or offices, before the barons of the ſaid court of Exchequer in *Scotland*, as any auditor of any the crown revenues in *England* hath or have uſed or ought to take; and ſuch auditor or auditors ſhall have the taking

Auditors of the revenues to take the ſame oath as auditors in England. And have the making up of the accounts, &c.

ing and making up all the ſaid accounts, which being ſworn to by the reſpective accountants as to the truth thereof, and allowed and declared by and before the ſaid court of Exchequer in *Scotland*, or before the chief baron, or ſome other of the barons of the ſaid court of Exchequer, the ſame ſhall be examined, entred, and enrolled in the offices of remembrancer of the Queen's majeſty, her heirs and ſucceſſors, and particulars and vouchers of ſuch account, contained in a bag for that purpoſe, ſhall be there left, and ſuch account ſhall be alſo entred in the office of the lord treaſurer's remembrancer, in ſuch and the like manner as is and hath been uſed in the like offices in *England*, and then ſhall be delivered into the pipe office in the court of Exchequer in *Scotland*; and the clerk of the pipe or chief officer in that office, or his deputy (in caſe that office ſhall be executed by deputy) ſhall cauſe the ſaid accounts to be examined, and if found true, to be entred and inrolled in the ſaid office, and ſhall make and give a *quietus* or diſcharge to the accountant thereupon, which ſhall be a diſcharge to and for ſuch accountant, as to all the revenues, duties, matters, and things therein, and thereby accounted for, paid, and anſwered; and if any ſupers or arrears ſhall be ſet upon the accountant, or any other perſon or perſons, bodies politick or corporate, by or upon the ſaid account, the court of Exchequer in *Scotland* ſhall award all proper and effectual proceſs to be made and iſſued out of ſuch one of the two remembrancers offices, as the court ſhall direct, for the ſpeedy accounting for levying and receiving of all ſuch ſupers and arrears, and anſwering the ſame to the uſe of the crown, in ſuch ſort and manner as in like caſes may by law be done, or hath been uſed, in the court of Exchequer in *England*.

Party to any judgment given in court of Exchequer, may bring a writ of error upon ſuch judgment returnable in parliament, &c.

XII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, bodies politick or corporate, party or parties to any judgment which ſhall be given in the ſaid court of Exchequer in *Scotland*, his, her, or their heirs, executors, or adminiſtrators, or ſuch other perſon or perſons, bodies politick or corporate, who ſhall be privy to, and affected by ſuch judgment, and who by law is or are entitled to bring and maintain a writ or writs of error thereupon, to ſue and proſecute out of the court of Chancery in *England* a writ or writs of error, to be made in uſual manner upon any ſuch judgment, returnable in the parliament of *Great Britain*, and ſuch and the like ſecurities, matters, and things, way and method of proceedings, ſhall and may be had therein and thereupon, and relating thereunto, as have been, are, or may be uſed and practiſed upon, or concerning writs of error returnable in parliament, upon any judgment in any the courts in *England*, and upon or relating to the affirming or reverſal of ſuch judgments, and the proceedings thereupon in like caſes; and every perſon or perſons, againſt whom any orders or decrees in *Engliſh* cauſes ſhall be made in the ſaid court of Exchequer in *Scotland*, ſhall and may have and purſue ſuch and the like relief and redreſs therein, as any perſon or perſons, againſt whom any orders or decrees in the court of Exchequer

chequer in *England* have been or ſhall be made, may have and purſue in like caſes.

XIII. Provided alſo, That the lord high treaſurer of *Great Britain* for the time being ſhall have and exerciſe all ſuch powers, authorities, and juriſdictions, about or relating to any the revenues or duties of cuſtom and exciſe, and other the crown revenues, duties, or treaſure within *Scotland*, and the getting in, paying, iſſuing, and accounting for the ſame, or any part thereof, as fully and amply, to all intents and purpoſes, as the lord high treaſurer of *Great Britain* for the time being, by virtue of ſuch his office, hath, or may, or can have or exerciſe about or concerning any the crown revenues, debts, or duties in *England*; any thing herein contained to the contrary in any wiſe notwithſtanding. Lord treaſurer to have the ſame powers relating to the revenues, &c. of Scotland, as he hath relating to thoſe of England.

XIV. Provided alſo, and be it enacted by the authority aforeſaid, That all and all manner of fines, iſſues, amerciaments, forfeited recognizances, or penalties, and other forfeitures, of what nature or kind ſoever, which ſhall or may be ſet, impoſed by, or incurred, or become forfeited in the ſaid court of *Exchequer* in *Scotland*, ſhall be levied by the authority and proceſs of the ſaid court, and paid and anſwered to the uſe of her Majeſty, her heirs and ſucceſſors, although the perſons or their lands or tenements, goods, or chattels, liable to the ſame fines, iſſues, amerciaments, penalties, or forfeitures be or remain in any part of *Scotland* whatſoever. How all fines, iſſues, &c. ſhall be levied and paid.

XV. Provided nevertheleſs, That in caſe any perſon or perſons, bodies politick or corporate, his, her, or their heirs, ſucceſſors, executors, or adminiſtrators, ſhall alledge, plead, declare, or ſhew in the ſaid court of *Exchequer* in *Scotland*, good, perfect, ſufficient cauſe and matter in law, reaſon, or good conſcience, in bar or diſcharge of any fines, iſſues, amerciaments, forfeited recognizances, or any other forfeitures, debts, or duties due or payable to the crown, or why ſuch perſon or perſons ought not to be charged or chargeable to or with the ſame, and the ſame cauſe and matter ſo alledged, pleaded, declared, or ſhewed, ſufficiently proved in the ſaid court of *Exchequer* in *Scotland*, That then the ſaid court ſhall have full power and authority to accept, adjudge, and allow the ſame, and wholly and clearly to acquit and diſcharge all and every the ſaid perſons, which ſhall be impleaded or ſued for the ſame, or to make and take any fitting and reaſonable compoſition for the ſame, as in the judgments and diſcretions of the barons of the ſaid court of *Exchequer*, upon hearing of the attorney or advocate general, or other learned counſel of her Majeſty, her heirs and ſucceſſors, ſhall be found and thought juſt and reaſonable, and to proceed and act therein, and give diſcharges thereupon, in ſuch ſort and manner as hath been and is uſed and practiſed in the like caſes in and by the court of *Exchequer* in *England*; any thing herein contained to the contrary notwithſtanding. Perſons ſhewing good cauſe in court, in bar of any fines, &c. payable to the crown, court to allow the ſame, &c.

XVI. And be it further enacted by the authority aforeſaid, That the barons of the court of *Exchequer* in *Scotland*, ſhall have Barons to paſs ſheriffs accounts,

full power and authority, by virtue of this act, to take and pass the accounts of all sheriffs, and other officers in *Scotland*, who have or shall have the execution of any the process issuing out of and returnable in the said court of *Exchequer*, for the levying of any revenue or money for the crown, and to charge and discharge them according to right and justice, and that in such manner and form, as the said sheriffs and officers before the said union were used to be charged and discharged, and to have their accounts passed, or as the barons of the said court of *Exchequer* shall order, direct, or appoint.

and charge and discharge them, &c.

Acts of parliament made in England, concerning customs or subsidies there, or excise, &c. not contrary to the articles of union to extend to Scotland,

XVII. And be it further enacted by the authority aforesaid, That all and every act and acts of parliament made in *England*, and in force there, touching and concerning any customs or subsidies there, and also all and every act and acts of parliament made in *England*, and now in force, touching and concerning any excises there, and all and every the authorities, powers, jurisdictions, qualifications of officers and seizers, directions for navigation, and for carrying goods coastwise, forfeitures, penalties, duties, and the ways and means for the recovering of them, or any of them, and all other matters and things in them, or any of them contained, which are not contrary to or inconsistent with the aforesaid articles of the union of the two kingdoms of *England* and *Scotland*, or any of them, shall extend to *Scotland*, and shall and may be cognoscible in, and put in execution by the court of *Exchequer* in *Scotland*, as to all matters and things happening or arising in *Scotland*, as fully and amply, to all intents and purposes, as the same, or any of them, do extend, or may, or might be put in execution, as to any matters or things touching and concerning customs and excises, or any other the matters or things aforesaid, happening or arising in *England*; and all offences and offenders in any the said matters, shall and may be sued and prosecuted for the same in the said court of *Exchequer* in *Scotland*; and the merchants and other persons entitled to any benefits, allowances, advantages, or remedies touching or concerning any the said customs or excises in *Scotland*, shall have and enjoy the same in *Scotland*, as fully and amply, to all intents and purposes, as they may or might if the same were or arose in *England*; and the officers of the customs and excise in *Scotland* are required to make and allow the same accordingly; and the barons of the court of *Exchequer* in *Scotland* are required and enabled to cause right to be done by and to all persons concerned therein.

and cognizable in the court of Exchequer.

Queen to appoint what further places, ports, &c. in Scotland, shall be lawful for landing or shipping goods, &c.

XVIII. And for the better and more effectual ascertaining the ports, members, creeks, and havens in *Scotland*, where goods and merchandizes have been or may be exported and imported, and the several keys, wharfs, and other places where the same may be put on board any ship or vessel for transportation, or be unshipt or unladen upon importation; be it further enacted by the authority aforesaid, That the Queen's majesty, her heirs and successors, shall and may, from time to time, by commission or commissions out of the court of *Exchequer* in *Scotland*, assign and appoint

appoint all ſuch further places, ports, members, and creeks in *Scotland*, as ſhall be lawful for the landing and diſcharging, lading, or ſhipping of any goods, wares, or merchandizes in *Scotland*, and to what ancient and head ports reſpectively ſuch places, members, or creeks ſhall reſpectively appertain; and where any ſuch place, member, or creek ſhall be ſo appointed, as aforeſaid, the cuſtomer, collector, comptroller, and ſearcher of the head port, ſhall by themſelves, or their ſufficient deputy or deputies, ſervant or ſervants, reſide and inhabit, for the entring, clearing and paſſing, ſhipping and diſcharging of ſhips, goods, and merchandize, and by virtue of the ſaid commiſſion or commiſſions may likewiſe ſet down and appoint the extents, bounds, and limits of every port, haven, or creek in *Scotland*, whereby the extents, limits, and privileges of every port, haven, or creek in *Scotland* may be aſcertained and known; after which appointment ſo made, the ſaid ports, members, and creeks ſo appointed, ſhall be obſerved and uſed for importation and exportation, in the ſame manner, and ſubject to and under ſuch orders and regulations, and to the ſame effect, as the like ports, creeks, and members appointed in *England* for exportation or importation there, are or ought to be by the laws of *England*.

Officers of cuſtoms to reſide at ſuch places.

XIX. *And whereas by the aforeſaid recited article of the treaty of union it is provided, That the court of* Exchequer *in* Scotland *have power of paſſing ſignatures, gifts, tutories, and in other things as the court of* Exchequer *in* Scotland *at the time of the ſaid treaty had*; be it therefore enacted by the authority aforeſaid, That the court of *Exchequer* in *Scotland* ſhall have power to receive reſignations in her Majeſty's name of all baronies, lands, lordſhips, tithes, juriſdictions, offices, and all other rights which were in uſe to be reſigned and received in her Majeſty's name in the *Exchequer*, at the time of the ſaid treaty; and that ſignatures, gifts, tutories, and other things which were preſented, reviſed, and compounded, or which were paſſed or given by the lord high treaſurer, or commiſſioners of the treaſury, or court of *Exchequer* there at the time of the ſaid treaty, ſhall be given in, reſigned, preſented, reviſed, compounded, and expedited as formerly, with this alteration only, That the preſenter of ſignatures ſhall preſent the ſaid ſignatures, gifts, tutories, and other things to the ſaid chief baron and barons of the *Exchequer* in *Scotland*, who are hereby authorized and impowered to reviſe and compound the ſame, in the ſame manner, and with the ſame powers as the ſaid lord high treaſurer or commiſſioners of treaſury of *Scotland* might have done, and thereafter in a court of *Exchequer*, to hear parties concerned, and to paſs all ſuch ſignatures, gifts, tutories, and other things aforeſaid, and eſpecially to declare and appoint fines, as the court of *Exchequer* might have done at the time of the ſaid treaty, and ſuch ſignatures, gifts, tutories, and other things aforeſaid being paſſed in the *Exchequer*, ſhall be recorded by the proper clerks and thereafter be expedited at the proper ſeals, as at the time of the ſaid treaty by the law and practice of *Scotland* was required: reſerving ne-

Court impower'd to receive reſignations of baronies, lands, &c. which were in uſe to be reſigned, &c. in the court of Exchequer.

vertheleſs full power to her Majeſty, her heirs and ſucceſſors, to receive reſignations immediately in her or their royal hands, and to grant all ſignatures, gifts, and other things, in the ſame manner as her Majeſty could have done at the time of the aforeſaid treaty.

English counſellors, &c. may plead in Exchequer court in Scotland.

XX. And be it further enacted by the authority aforeſaid, That all barriſters at law, advocates or counſellors, who may plead and practiſe before the court of *Exchequer* in *England*, or before the court of ſeſſion in *Scotland*, have and ſhall have right and privilege to plead and practiſe before the ſaid court of *Exchequer* in *Scotland*.

How offices for life ſhall be enjoyed.

XXI. Provided always, and be it enacted, That the two principal clerks of *Exchequer* in *Scotland*, and other officers in that court, who have grants of their offices during life, or of inheritance, ſhall enjoy their offices according to the nature of their gifts, except in ſo far as theſe offices are inconſiſtent with the conſtitution of *Exchequer*, as the ſame is ſettled by this act; in which caſe, be it enacted by the authority aforeſaid, That any perſon having right to any ſuch office, ſhall be provided in one or other of the offices eſtabliſhed by this act, equal in value to what they now enjoy, to hold for life, or in fee reſpectively, or have ſome other equivalent recompence for the loſs of ſuch office.

Crown title to lands, &c. to be tried by court of ſeſſion.

XXII. Provided always, That the validity or invalidity and preference of the title of the crown, to any honors, manors, lands, tenements, or hereditaments, or to caſualties belonging to the crown, ſhall continue to be tried and decided in the court of ſeſſion as was uſed, and of right ought to have been by the law and practice of *Scotland*, at the time of the union, and not otherwiſe; any thing in this act contained to the contrary notwithſtanding.

Table of officers fees to be hung up in Exchequer court.

XXIII. And be it further enacted by the authority aforeſaid, That no officer, miniſter, clerk, or other perſon employed in the ſaid court of *Exchequer* in *Scotland*, ſhall aſk, demand, receive, or take from any of her Majeſty's ſubjects, or from any other perſon or perſons whatſoever, any greater or other fee, reward, profit, advantage, matter, or thing whatſoever, for or in reſpect of any buſineſs, matter, or thing tranſacted, diſpatched, made, or done in the ſaid court of *Exchequer*, than ſuch only as ſhall be ſettled and allowed by the barons of the ſaid court of *Exchequer*, or any three or more of them (whereof the chief baron to be one) under their hands: which fees or allowances ſhall be contained in a table to be hung up in the moſt publick and viſible place of the ſaid court of *Exchequer*, and to which any of her Majeſty's ſubjects, or others, may have free liberty to reſort, and to have a view and peruſal thereof, without fee or reward; and each of the maſters or chief officers in the offices of Queen's remembrancer, lord treaſurer's remembrancer, clerk of the pipe, and clerk of the pleas, and auditor, ſhall take care, that a table of the fees and allowances relating to their reſpective offices and places and buſineſs therein tranſacted, and ſo allowed

Like tables to be hung up in remembrancers offices, &c.

llowed and ſigned, as aforeſaid, ſhall be hung up in ſome pub-
ick and viſible place in their ſaid reſpective offices, to which
ny of her Majeſty's ſubjects, or others, may have free liberty
o reſort, and to have a view and peruſal thereof, without fee or
eward; and if any perſon or perſons ſhall offend in any the
premiſſes, the barons of the ſaid court of *Exchequer*, upon com-
plaint thereof to them made in that behalf, ſhall cauſe right to
e done to the party complaining, and to puniſh the offenders
y fine, ſuſpenſion, or deprivation of office, or as to them ſhall
eem juſt and reaſonable, and to recompenſe the complainer
with coſts in that behalf. Penalty on offenders.

XXIV. And be it further enacted by the authority aforeſaid, That the number of the ſaid barons of her Majeſty's ſaid court of Exchequer in *Scotland*, ſhall not at any time exceed the number of five. Number of barons not to exceed five.

CAP. XXVII.

An act to inlarge the time for returning the certificates of all eccleſiaſtical livings, not exceeding the yearly value of fifty pounds; as alſo for diſcharging all livings of that value from the payment of firſt-fruits; and for allowing time to archbiſhops and biſhops, and other dignitaries, for payment of their firſt-fruits.

WHEREAS *by an act made in the fifth year of the reign of her preſent Majeſty, intituled,* An act for diſcharging ſmall livings from their firſt-fruits and tenths, and all arrears thereof, *it is provided, That the ſaid act, or any thing therein contained, ſhall not extend to diſcharge any benefices with cure of ſouls, the tenths whereof were granted away by any of her Majeſty's predeceſſors to any perſon or perſons, bodies politick and corporate, in perpetuity, before the third day of* November *in the third year of her Majeſty's reign; which clauſe was intended only to ſave the rights of ſuch perſons who had grants of tenths from the crown before the ſaid third day of* November, *and not otherwiſe: but forasmuch as the firſt-fruits of the aforeſaid benefices with cure of ſouls, the tenths whereof were ſo granted, as aforeſaid, were notwithſtanding the ſaid grants, reſerved to the crown, and are now granted by her Majeſty to the governors of the bounty of Queen* Anne *for the augmentation of the maintenance of the poor clergy, and their ſucceſſors: and forasmuch as the diſcharging of the firſt-fruits and arrears thereof of ſmall livings, the tenths of which are not veſted in the ſaid governors, will be a preſent proper augmentation of the ſame*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all eccleſiaſtical benefices with cure of ſouls, not exceeding the clear yearly value of fifty pounds by the improved valuations of the ſame, the tenths whereof are not veſted in the corporation of the ſaid governors, and the incumbents thereof for the time being, and every of them, their 5 Annæ, c. 24. Enforced by 1 Geo. 1. ſtat. 2. c. 10. All eccleſiaſtical benefices not exceeding 50 l. per. ann. &c.

respective heirs, executors, administrators, successors, and sureties, shall be free and clearly discharged and acquitted for ever of and from the said first-fruits, and of and from all arrears of the same; any thing in the aforesaid act to the contrary notwithstanding: and the ascertaining of the clear improved yearly valuations of the said ecclesiastical benefices with the cure of souls, hereby intended to be discharged from the payment of first-fruits, shall be by the same persons, and in the same manner and form, as for other livings mentioned in the said act.

Discharged for ever from first-fruits, &c.

II. Provided nevertheless, That the certificates by the proper ordinaries into her Majesty's court of *Exchequer* at *Westminster*, of the yearly valuation of such livings intended by this act to be discharged from the payment of first-fruits, may be made at any time before the twenty fourth day of *December*, which shall be in the year of our Lord one thousand seven hundred and eight; any thing herein to the contrary notwithstanding.

Certificates of valuation to be made before 24 Dec. 1708.

III. *And whereas by the said act of parliament made in the said fifth year of her Majesty's reign, the time limited for certifying into the court of* Exchequer *the valuation of such livings intended by the said act to be discharged from the payment of first-fruits and tenths, is found not sufficient with respect to some dioceses and places*; be it therefore enacted by the authority aforesaid, That such certificates which shall be made into the said court of *Exchequer*, of the yearly valuation of such livings intended to be discharged from the payment of first-fruits and tenths by the said act of parliament, at any time before the said twenty fourth day of *December*, which shall be in the year of our Lord one thousand seven hundred and eight, shall be as good and effectual for the purposes by the said act intended, as if the same were made and certified on or before the twenty fifth day of *March*, one thousand seven hundred and eight; any thing in this or the said act to the contrary thereof notwithstanding.

Not made by 25 March, 1708. may be made by 24 Dec. ensuing.

IV. And be it further enacted and declared by the authority aforesaid, That this act shall be taken and accepted in all courts and places whatsoever as a publick act.

Act to be a publick act.

V. *And whereas it has been usual for the Kings and Queens of* England, *by their letters of privy seal, to allow the archbishops and bishops four years time for the payment of their first-fruits to the crown, by way of installment, which since her Majesty has been graciously pleased to give the first-fruits and tenths for the maintenance of the poor clergy, cannot now be done: and whereas the first-fruits of archbishopricks and bishopricks amount to near the full annual value thereof, and the other charges of coming into archbishopricks and bishopricks are very great: and whereas archbishops and bishops have not the profits of their bishopricks from the death of their predecessors, as rectors and vicars have, but from the time that such bishopricks are conferred upon them: and whereas no provision has been made for any abatements of the first-fruits of archbishops or bishops, as there is for rectors and vicars, in case of death or removal, within the times allowed for the payment of such first-frits*; be it enacted by the authority aforesaid, That every archbishop and bishop shall have

Four years allowed to

have four years allowed him, when he or they shall compound for the same, for the payment of his first-fruits, which shall commence from the time of restitution of his temporalities; and that in every year he shall pay one fourth part of the whole sum: and if it shall please God he shall die, or be removed, before the full term of four years shall be expired, he, his heirs, executors, or administrators, shall be discharged of so much as did not become due or payable at or before the time or times of his death or removal, in like manner as the heirs, executors, and administrators of rectors and vicars are authorized to do.

archbishops and bishops to pay their first-fruits.

Proviso in case of death.

VI. And be it further enacted by the authority aforesaid, That all deans, archdeacons, prebendaries, and other dignitaries, shall compound for their respective first-fruits, in such manner and form as rectors and vicars have been accustomed to do; and in case of death or removal within the time usually allowed to rectors and vicars for payment of their said first-fruits, they the said deans, archdeacons, prebendaries, and other dignitaries, shall be in the like condition, and have the same benefit as is allowed to rectors and vicars by the statute made in the first year of the reign of the late Queen *Elizabeth*, intituled, *An act for the restitution of the first-fruits to the crown.*

Deans, archdeacons, &c. to compound for first-fruits in same manner, as rectors, vicars, &c. 1 Eliz. c. 4.

CAP. XXVIII.

An act for continuing the act for ascertaining the tythes of hemp and flax.

WHEREAS *an act of parliament made in the eleventh and twelfth years of the reign of his late majesty King* William *the Third, of glorious memory, intituled,* An act for the better ascertaining the tythes of hemp and flax, *was to continue from the five and twentieth day of* March, *which was in the year of our Lord one thousand seven hundred, and from thence to the end of the next session of parliament: and whereas the said act hath by experience been found to be very useful and necessary to this kingdom*; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act shall be continued, and be in force from the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight, for seven years, and from thence to the end of the next session of parliament, and no longer.

11 & 12 W. 3. c. 16. *made perpetual by* 1 Geo. 1. c. 26.

Continued for 7 years.

CAP.

CAP. XXIX.

An act to repeal a clauſe in an act of the ſeventh year of the reign of his late Majeſty (for amending and repairing the highways) which enjoins waggoners and others to draw with a pole between the wheel horſes, or with double ſhafts, and to oblige them to draw only with ſix horſes or other beaſts, except up hills.

7 & 8 W. 3. c. 29.

WHEREAS *by an act made in the ſeventh and eighth years of the reign of his late majeſty King* William *the Third, of glorious memory, intituled,* An act for the better amending and repairing the highways, and explanation of the laws relating thereunto, *it is enacted, That all horſes or oxen drawing any travelling waggon, wain, cart, or carriage, wherein any burdens, goods, or wares are or ſhall be carried or drawn for hire, ſhall draw in pairs with a pole between the wheel horſes, or in double ſhafts, and the other horſes to draw in a line with the wheel horſe or oxen, in the ſame manner as they uſually draw in coaches, under the penalty of forty ſhillings for every offence; two third parts thereof to be to the uſe of the highways, and the other third part to the informer: and whereas the aforeſaid manner of drawing with a pole between the wheel horſes, or in double ſhafts, as by the ſaid act is directed, has by experience been found altogether impracticable in many parts of this kingdom, notwithſtanding which many of her Majeſty's poor ſubjects, waggoners, and carriers, are perpetually harraſſed by common informers, and their teams often ſeized for payment of the forfeitures in the ſaid act mentioned, to the ruin of the ſaid waggoners and carriers, and to the great damage of the owners of the goods, wares, and merchandizes conveyed in ſuch waggons, wains, and carriages by the delays in their journies, occaſioned by ſuch common informers:* for remedy whereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That ſo much of the ſaid recited act, as is herein before mentioned, ſhall be, and from henceforth ſhall ſtand abſolutely repealed, and is hereby repealed.

Manner of drawing waggons with a pole, found impracticable.

Clauſe in the ſaid act repealed.

II. And be it further enacted by the authority aforeſaid, That all ſeizures and ſuits now depending in any of her Majeſty's courts at law, or which ſhall at any time hereafter be ſeized, brought, or proſecuted upon the ſaid clauſe in the ſaid recited act, under pretence of any ſeizure or forfeiture, or penalty incurred for breach of the ſaid clauſe in the ſaid act, or for any offence committed, or ſuppoſed to be committed againſt the ſame, ſhall be, and are hereby declared to be diſcharged, diſcontinued, and determined; and that all ſeizures upon the ſaid clauſe in the ſaid recited act, made or to be made, are hereby declared to be diſcharged, releaſed, null and void.

Suits depending for forfeitures, &c. diſcharged.

All ſeizures null and void.

III. And be it further enacted by the authority aforeſaid, That

That from and after the four and twentieth day of *June*, one thousand seven hundred and eight, no travelling waggon, wain, cart, or carriage, wherein any burdens, goods, or wares shall be carried or drawn, other than such carts and carriages, as are or shall be employed in and about husbandry and manuring of land, and in the carrying of hay, straw, corn, coal, chalk, timber for shipping, materials for building, stones of all sorts, or such ammunition or artillery as shall be for the service of her Majesty, her heirs or successors, shall at any one time travel, be drawn, or go in any common or publick highway or road with above six horses, oxen, or beasts, upon pain that every owner of every such waggon, wain, cart, or carriage, shall forfeit for every such offence the sum of five pounds; one moiety whereof shall be to the surveyors of the highways of the town, village, hamlet, or place where any of the said offences shall be committed, to be employed in the repairs of the said highways, and the other moiety thereof to him that shall discover and prosecute for any of the said offences (provided such discoverer or prosecutor be an inhabitant of such town, village, or place) the said penalty to be levied by distress of all or any of the said horses, oxen, or beasts, by warrant under the hand and seal of one justice of the peace; and in case the said penalties be not paid within three days after, that then it shall be lawful to and for the said person and persons so distraining, as aforesaid, to sell the same, and to restore the overplus to the owner, the charges of keeping and selling being first deducted; and if any such surveyor shall wilfully suffer any such waggon, wain, or carriage to be drawn with more than six horses, and shall neglect to put this or any former laws made for repairing the highways in execution, shall forfeit five pounds, to be divided and recovered, as aforesaid.

From 24 June, 1708, no waggon, &c. to be drawn with above 6 horses. *Altered by* 1 Geo. 1. stat. 2. c. 11. Exception. *See* 5 Geo. 1. c. 12. s. 1. 18 Geo. 2. c. 33. On penalty of 5l. *By* 9 Annæ, c. 18. s. 1. *Any person may seize the horses, &c.* To be levied by distress and sale.

IV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to restrain or hinder any owner or owners of such travelling waggon, wain, cart, or carriage, or his or their servants, using or drawing with as many horses or beasts as shall be necessary for the drawing such waggons, wains, carts, or carriages up any hills, as the justices of the peace of the respective counties, ridings, divisions, and places, where such hills lie, shall at their quarter sessions, from time to time, order and direct, which said order and direction shall be carefully kept by the respective clerks of the peace, amongst the records of the sessions, to which all persons, at reasonable times, shall have recourse, without fee or reward, without incurring any forfeitures or penalties herein before-mentioned; any thing in this, or any other act to the contrary in any wise notwithstanding.

Not to hinder using as many horses for drawing up hills, &c. as justices shall direct. *This clause repealed by* 9 Annæ, c. 18. s. 4.

CAP.

CAP. XXX.

An act for ascertaining the rates of foreign coins in her Majesty's plantations in America.

WHEREAS *for remedying the inconveniencies which had arisen from the different rates at which the same species of foreign silver coins did pass in her Majesty's several colonies and plantations in* America, *her most excellent Majesty has thought fit by her royal proclamation, bearing date the eighteenth day of* June, *one thousand seven hundred and four, and in the third year of her reign, to settle and ascertain the currency of foreign coins in her said colonies and plantations, in the manner and words following.*

Proclamation for ascertaining the currency of foreign coins in America.

WE *having had under our consideration the different rates at which the same species of foreign coins do pass in our several colonies and plantations in* America, *and the inconveniencies thereof, by the indirect practice of drawing the money from one plantation to another, to the great prejudice of the trade of our subjects; and being sensible that the same cannot be otherwise remedied, than by reducing of all foreign coins to the same current rate within all our dominions in* America; *and the principal officers of our mint having laid before us a table of the value of the several foreign coins which usually pass in payments in our said plantations, according to their weight, and the assays made of them in our mint, thereby shewing the just proportion which each coin ought to have to the other, which is as followeth,* viz. Sevil *pieces of eight, old plate, seventeen penny-weight twelve grains, four shillings and six pence;* Sevil *pieces of eight, new plate, fourteen penny-weight, three shillings, seven pence, one farthing;* Mexico *pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence;* Pillar *pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence three farthings;* Peru *pieces of eight, old plate, seventeen penny-weight twelve grains, four shillings and five pence, or thereabouts; cross dollars, eighteen penny-weight, four shillings and four pence three farthings; ducatoons of* Flanders, *twenty penny-weight and twenty one grains, five shillings and six pence; ecu's of* France, *or silver* Lewis, *seventeen penny-weight twelve grains, four shillings and six pence; crusadoes of* Portugal, *eleven penny-weight four grains, two shillings and ten pence one farthing; three gilder pieces of* Holland, *twenty penny-weight and seven grains, five shillings and two pence one farthing; old rix dollars of the empire, eighteen penny-weight and ten grains, four shillings and six pence; the halfs, quarters, and other parts in proportion to their denominations, and light pieces in proportion to their weight: we have therefore thought fit for remedying the said inconveniencies, by the advice of our council, to publish and declare, That from and after the first day of* January *next ensuing the date hereof, no* Sevil, Pillar, *or* Mexico *pieces of eight, though of the full weight of seventeen penny-weight and an half, shall be accounted, received, taken, or paid within any of our said colo-*

colonies or plantations, as well thoſe under proprietors and charters, as under our immediate commiſſion and government, at above the rate of ſix ſhillings per *piece current money, for the diſcharge of any contracts or bargains to be made after the ſaid firſt day of* January *next, the halfs, quarters, and other leſſer pieces of the ſame coins to be accounted, received, taken, or paid in the ſame proportion; and the currency of all pieces of eight of* Peru, *dollars, and other foreign ſpecies of ſilver coins, whether of the ſame or baſer alloy, ſhall, after the ſaid firſt day of* January *next, ſtand regulated, according to their weight and fineneſs, according and in proportion to the rate before limited and ſet for the peices of eight of* Sevil, Pillar, *and* Mexico; *ſo that no foreign ſilver coin of any ſort be permitted to exceed the ſame proportion upon any account whatſoever; and we do hereby require and command all our governors, lieutenant governors, magiſtrates, officers, and all other our good ſubjects, within our ſaid colonies and plantations, to obſerve and obey our directions herein, as they tender our diſpleaſure.*

For inforcing the due execution of proclamation,

II. *And whereas notwithſtanding the ſaid proclamation, the ſame indirect practices as are therein mentioned, are ſtill carried on within ſome of the ſaid colonies or plantations, and the money thereby drawn from one plantation to another, in prejudice of the trade of her Majeſty's ſubjects*; wherefore for the better inforcing the due execution of her Majeſty's ſaid proclamation throughout all the ſaid colonies and plantations, and for the more effectual remedying the ſaid inconveniencies thereby intended to be remedied, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon within any of the ſaid colonies or plantations, as well thoſe under proprietors and charters, as under her Majeſty's immediate commiſſion and government, ſhall after the firſt day of *May*, which ſhall be in the year of our Lord one thouſand ſeven hundred and nine, for the diſcharge of any contracts or bargains to be thereafter made, account, receive, take, or pay any of the ſeveral ſpecies of foreign ſilver coins mentioned in the before recited proclamation, at any greater or higher rate than at which the ſame is thereby regulated, ſettled, and allowed, to be accounted, received, taken, or paid, every ſuch perſon ſo accounting, receiving, taking, or paying the ſame contrary to the directions therein contained, ſhall ſuffer ſix months impriſonment, without bail or mainprize; any law, cuſtom, or uſage in any of the ſaid colonies or plantations to the contrary hereof in any wiſe notwithſtanding; and ſhall likewiſe forfeit the ſum of ten pounds for every ſuch offence; one moiety thereof to her Majeſty, her heirs and ſucceſſors; the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame, to be recovered with full coſts of ſuit, by action of debt, bill, plaint, or information, in any of her Majeſty's courts of juſtice within any of the ſaid plantations, or in

Perſons after 1 May, 1709. paying or receiving any foreign ſilver coins at a higher rate than is regulated, to ſuffer 6 months impriſonment, and forfeit 10l.

in any of the courts of justice of the charter or proprietary governments where such offence shall be committed.

Proviso. III. Provided nevertheless, and it is hereby declared, That nothing in the before recited proclamation or in this act contained shall extend, or be construed to compel any person to receive any of the said species of foreign silver coins, at the respective rates in the said proclamation mentioned.

Queen may regulate the several species hereafter, in such other manner as she shall judge necessary. IV. Provided also, and it is hereby further declared, That nothing in this act contained shall extend, or be construed to restrain her Majesty from regulating and settling the several rates of the said species of foreign silver coins within any of the said colonies or plantations, in such other manner, and according to such other rates and proportions, as her Majesty by her royal proclamation for that purpose to be issued, shall from time to time judge proper and necessary, or from giving her royal assent to any law hereafter to be made in any of the said colonies or plantations, for settling and ascertaining the current rates of such coins within the said colonies or plantations; but that such further regulations may be made, and such assent given, in as full and ample manner, to all intents and purposes, as the same might have been done in case this act had not been made, and no otherwise; any thing herein before contained to the contrary hereof in any wise notwithstanding.

CAP. XXXI.

An act for the better preventing mischiefs that may happen by fire.

WHEREAS *many fires have lately broke out in several places in and about the cities of* London *and* Westminster, *and other parishes and places comprised within the weekly bills of mortality, and many houses have frequently been burnt and consumed before such fires could be extinguished, to the impoverishing and utter ruin of many of her Majesty's subjects, the rage and violence whereof might have been in great part prevented, if a sufficient quantity of water had been provided in the pipes lying in the streets, and if party walls of brick had been built between house and house, from the foundation to the top of the roofs, and less timber in the front of houses:* for the preventing therefore the like mischiefs for the future, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight, it shall and may be lawful to and for the churchwardens of each and every parish within the said cities and liberties of *London* and *Westminster*, and other parishes and places within the said weekly bills of mortality, and they are hereby required at any time or times before the first day of *May*, in the said year of our Lord one thousand seven hundred and eight, or as soon after as may be, and so for ever

From 25 March, 1708, churchwardens of each parish within bills of mortality to fix on the mains and pipes of any water-work, stop-blocks of

ver after, to make place and fix (at the charge of such respective parish) upon the mains and pipes belonging to any water-work whatsoever within the places aforesaid, such and so many stop-blocks of wood, with a two inch plug, or such and so many fire cocks to go into each main or pipe, and to be placed at such distances, in each or any street or place where such churchwardens for the time being shall direct, and the top of such stop blocks to lie even with the pavement of each street or place; to the intent that such plugs or fire cocks may always, upon occasion of any fire, be opened, and let out the water without loss of time in digging down to the pipes; and that all and every or any such churchwardens shall, and hereby have power to fix any mark or writing in the front of any house or houses over against the places, and for the better making known to the inhabitants where such stop-blocks and fire cocks lie, and to keep an instrument in each house where the mark is, to open the plug or fire cock, such stop-blocks and fire cocks to be kept in repair at the charge of each parish where the same shall be placed, and the plugs by the owners of the mains and pipes where the same shall be fixed; and that each and every parish within the cities of *London* and *Westminster*, and weekly bills of mortality, shall from time to time, and at all times, have and keep in good order and repair in some known and publick place within each parish, a large engine, and also a hand engine, to throw up water for the extinguishing of fires, and also shall provide, keep, and maintain one leather pipe and socket of the same size as the plug or fire cock, to the intent the socket may be put into the pipe to convey the water clean and without loss, or help of bucket, into the engine; and in default of making, placing, fixing, and continuing such stop-blocks or fire-cocks on the several mains and pipes, as also in default of having and keeping in good repair such large engine, hand engine, and leather pipe and socket, the churchwardens of such parish so making default, and being convicted thereof, before two of her Majesty's justices of the peace, shall forfeit and pay the sum of ten pounds; one moiety thereof to the informer, and the other moiety to the overseers of the poor of the parish where such default shall be made, for the use of the poor of such parish, to be recovered by warrant from two of her Majesty's justices of the peace, by distress and sale of such churchwardens goods; the overplus, if any be, to be returned to the owner thereof; and that the turn-cock belonging to such water-work, whose water shall be found on, or first come into the main or pipe where the first plug shall be opened at any fire, shall be paid ten shillings by the churchwardens of such respective parish where such fire shall happen; and that the first engine keeper which brings in a parish engine, to help to extinguish any fire, if in good order and complete, with a socket, hose, and leather pipe, shall be paid thirty shillings; the keeper of the second parish engine that shall be next brought to a fire shall be paid twenty shillings;

wood, or fire cocks, &c.

Mark to be fixed on the front of an house, over against the place where fire-cock lies.

Every parish to keep one large engine and one hand engine, and one leather pipe.

United parishes are as one.

7 Annæ, c. 17. s. 1.

Penalty on churchwardens making default.

Gratuities to be paid to turn cocks engine keepers, &c. by churchwardens, &c. where any fire shall happen.

Reward not payable by churchwards.

ens without the direction of the alderman of the ward, 7 Anne, c. 17. ſ. 2.

ſhillings; and the third, ten ſhillings, by the churchwardens of each pariſh where ſuch fire ſhall happen; and in default of payment thereof, ſuch reward ſhall be recoverable from the churchwardens where ſuch fire ſhall happen, by warrant from two of her Majeſty's juſtices of the peace, by diſtreſs and ſale of ſuch churchwardens goods; the overplus to be returned, if any be.

II. *And whereas the ſeveral inſurance offices for inſuring houſes againſt loſs by fire, retain in their ſeveral ſervices, and give coats and badges unto watermen for ſervice and aſſiſtance in extinguiſhing of fires, who are always ready at a call, and are provided with various ſorts of poles, hooks, hatchets, and ſeveral other inſtruments and things at the charge of the ſaid reſpective inſurance offices, for the extinguiſhing of fires; which watermen by cuſtom and ſkill venture much further, and give greater help than any other perſons not uſed to come into danger: and whereas it hath been found by frequent experience, that ſuch watermen are of great uſe and ſervice when ever any fire happens;* be it therefore enacted by the authority aforeſaid, That the watermen for the time being, belonging to each inſurance office, within the cities of *London* and *Weſtminſter*, and limits thereof, not exceeding thirty for each office, ſhall be free from being impreſſed, or liable to be compelled to go to ſea, or ſerve as marines, or ſoldiers at land, their names and places of abode being regiſtered and entered with the ſecretary or other officer of the admiralty office.

Watermen belonging to inſurance offices free from impreſſing.

III. *And whereas fires often happen by the negligence and careleſneſs of ſervants,* be it therefore enacted by the authority aforeſaid, That if any menial or other ſervant or ſervants, through negligence or careleſneſs, ſhall fire or cauſe to be fired any dwelling-houſe, or out-houſe or houſes, ſuch ſervant or ſervants being thereof lawfully convicted by the oath of one or more credible witneſſes made before two or more of her Majeſty's juſtices of the peace, ſhall forfeit and pay the ſum of one hundred pounds unto the churchwardens of ſuch pariſh where ſuch fire ſhall happen, to be diſtributed among the ſufferers by ſuch fire, in ſuch proportions as to the ſaid churchwardens ſhall ſeem juſt; and in caſe of default or refuſal to pay the ſame immediately after ſuch conviction, the ſame being lawfully demanded by the ſaid churchwardens, that then and in ſuch caſe ſuch ſervant or ſervants ſhall, by warrant under the hand of two or more of her Majeſty's juſtices of the peace, be committed to ſome workhouſe, or houſe of correction, as the ſaid juſtices ſhall think fit, for the ſpace of eighteen months, there to be kept to hard labour.

Servants who through negligence fire any houſe, &c. to forfeit 100l. or be ſent to the workhouſe for 18 months.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight, all and every houſe and houſes that ſhall be erected and built either upon old or new foundations, in any place or places in and about the cities of *London* and *Weſtminſter*, or other pariſhes or places comprized within the weekly bills of mortality, ſhall have

All houſes erected after 1 May, within bills of mortality, to have party walls of brick or ſtone, &c.

ive party walls between house and house, wholly of brick or one, and of two bricks thick at the least in the cellar and ground ories, and thirteen inches thick upwards from the foundation ite through all the stories of each house, and eighteen inches ove the roof; and that no mundillion or cornish of timber wood under the eaves shall hereafter be made or suffered in y such new house or houses, but that all front and rear- alls of every house and houses shall be built of brick or stone, to carried two foot and an half high above the garret floor, and ped with stone or brick; and if any new house or houses all, from and after the said first day of *May*, be erected and ilt within the places aforesaid, contrary to the true intent and eaning of this act, that then the owner of every such house, id head builder or workmen, who undertake such building or ork, shall each of them forfeit, lose, and pay for every such efault the sum of fifty pounds, to be equally divided, one oiety to the informer, and the other moiety to the poor the parish wherein such building shall be erected; and to e levied by warrant under the hands and seals of two or more f her Majesty's justices of the peace within the place where ich building shall be so erected, or where such workmen shall habit, by distress and sale of the offender's goods, upon due onviction upon oath, or upon the view of one or more of such stices of the peace, rendring the overplus to the owners, if any e; and for want of such distress the offender shall be imprisoned y warrant from the said two justices, who are hereby impower- d and required to issue such warrant, until payment, as afore- aid; and the share of such forfeitures appointed to go to the oor, as aforesaid, to be paid into the hands of the church- vardens of such respective parish where such offence shall be ommitted, who are to give a receipt for the same, and to be harged therewith, and accountable for the same, in like man- ner as for other monies which they shall receive for the use of uch parish.

Provisions for pulling down partition walls. 11 Geo. 1. c. 28.

No mundillion or cornish of timber under the eaves hereafter to be made in any new house, &c.

This clause extends not to houses on London bridge or the Thames. 7 Annæ, c. 17. s. 7, 8.

On penalty.

V. And be it further enacted, That upon the breaking out of any fire within *London* and *Westminster*, all constables and beadles (upon notice thereof) shall immediately repair to the place where the said fire shall happen, with their staves, and other badges of their authority, and be aiding and assisting, as well in the extinguishing the said fires, and causing people to work at the engines, as also in preventing goods being stolen; and shall seize and apprehend all ill-disposed persons that they shall find stealing or pilfering from the inhabitants; as also that the said constables and beadles shall give their utmost assistance to help the inhabitants to remove their said goods.

On breaking out of any fire, &c. all constables and beadles to aid and assist the inhabitants, &c.

VI. And be it further enacted by the authority aforesaid, That no action, suit, or process whatsoever, shall be had, maintained or prosecuted against any person in whose house or chamber any fire shall, from and after the said first day of *May*, accidentally begin, or any recompence be made by such person for any damage suffered or occasioned thereby; any law, usage, or

No action to be prosecuted against any person in whose house, &c. any fire accidentally begins, &c.

This ſection made perpetual by 10 Annæ, c. 14. ſ. 1.

or cuſtom to the contrary notwithſtanding: and if any action ſhall be brought for any thing done in purſuance of this act, the defendant may plead the general iſſue, and give this act in evidence, and in caſe the plaintiff become nonſuit, or diſcontinue his action or ſuit, or if a verdict paſs againſt him, the defendant ſhall recover treble coſts.

Not to void contract between landlord and tenant.

VII. Provided, That nothing in this act contained ſhall extend to defeat or make void any contract or agreement made between landlord and tenant.

Clauſe of indemnity to continue for 3 years.

VIII. Provided always nevertheleſs, That ſo much of this act as relates to the indemnity of any perſon in whoſe houſe or chamber any fire ſhall accidentally begin, ſhall continue for the ſpace of three years, and from thence to the end of the next ſeſſion of parliament and no longer.

CAP. XXXII.

An act for regulating the qualifications of the elections of the governor, deputy governor, directors, and voters, of the governor and company of the bank of England.

5 Annæ, c. 13.

WHEREAS *by an act of parliament made and paſſed in the fifth year of her Majeſty's reign, intituled,* An act for continuing the duties upon houſes, to ſecure a yearly fund for circulating Exchequer bills, whereby a ſum not exceeding fifteen hundred thouſand pounds is intended to be raiſed for carrying on the war, and other her Majeſty's occaſions, *it is provided and enacted, That it ſhall and may be lawful for the governor and company of the bank of* England, *and their ſucceſſors, for the better circulating of the ſaid Exchequer bills, from time to time when they ſhall ſee occaſion, to call in or direct to be paid unto the ſaid governor and company, and their ſucceſſors, from and by the reſpective members of the ſaid company for the time being proportionably, any ſum and ſums of money which the ſaid governor and company in a general court, from time to time ſhall think neceſſary for the ſaid circulation, and ſhall accordingly order to be called in, as by the ſaid act (amongſt divers other things therein contained) more at large may appear: and whereas an enlargement of the preſent capital ſtock of the ſaid governor and company, will reſtore ſeveral members of the ſaid corporation, who have paid or may hereafter pay in any money for the circulation of the ſaid Exchequer bills, to ſuch capacities of being elected governor, deputy governor and directors, and voting at general courts, as their charter requires, and which by dividing of their late engrafted ſtock, many of them now want;* be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all ſuch ſums of money as the ſaid governor and company have heretofore called, or ſhall hereafter from time to time call in, from their reſpective members, for the circulation of the ſaid Exchequer bills, ſhall, as the ſame have been, or ſhall from time to time be received by the ſaid governor and company, and their ſucceſſors, as far as and not exceeding one million one thouſand one hundred ſeventy

Bank of England.

All monies called in by bank for circulating Exchequer bills to be taken as ſtock for qualifying perſons to be elected governor,

seventy one pounds ten shillings in the whole, be taken and deemed as and for capital and principal stock for the qualifying or capacitating any person or persons interested therein, to be elected governor, deputy governor, director or directors, or to vote at general courts, and to and for no other intent or purpose whatsoever. directors, &c.

II. Provided always, That nothing herein contained shall extend or be construed to prohibit or restrain the said governor and company, and their successors, from calling in or receiving from their members, any further or other sum and sums of money, which by virtue of the said last recited act, or otherwise, they lawfully may or can do. Proviso.

CAP. XXXIII.

An act for the importation of cochineal from any ports in Spain, *during the present war, and six months longer.*

WHEREAS *cochineal being of the growth of the* Spanish West Indies *is of principal use in dying of clothes, and other the woollen manufacture of this kingdom, scarlets, purples, and other colours called grain colours, to the great improvement thereof, and employment of great numbers of her Majesty's subjects, in finishing and perfecting such woollen manufacture: and whereas by the laws in being cochineal cannot be imported but from the places of its growth, although the same is now sold at cheaper rates in several parts of* Europe, *and used as well in dying the said manufactures of this kingdom abroad, as also foreign manufactures at lower prices than her Majesty's subjects can, to the encouragement of foreign woollen manufactures, the great prejudice of our own, and impoverishment of many of her Majesty's subjects employed therein*; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the six and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight, it shall and may be lawful to and for any person or persons who shall reside in her Majesty's dominions, to import and bring cochineal into this kingdom in any ship or ships, vessel or vessels, belonging to any kingdom or state in amity with her Majesty, *Spanish* ships or vessels, or such as are deemed *Spanish* ships or vessels, sailing with *Spanish* pass or passes and colours, from any the ports or places following *(viz.) Cadiz, Sevill, Port St. Mary, St. Lucar*, and *Gibraltar*, or any other ports in the kingdom of *Spain*, during this present war, and six months after; any thing in the act for encouraging and increasing of shipping and navigation, made in the twelfth year of the reign of King *Charles* the Second, or any other act, to the contrary notwithstanding. *Made perpetual by* 12 Anne, stat. 1. c. 18. sect. 3.

Cochineal of the growth of the Spanish West Indies.

After 26 March, 1708. may be imported.

From any of the ports of Spain during the war, &c. 11 Car. 2. c. 18.

CAP. XXXIV.

An act for limiting a time to perſons to come in and make their claims to any of the forfeited eſtates, and other intereſts in Ireland, *ſold by the truſtees for ſale of thoſe eſtates to the governor and company for making hollow ſword blades in* England, *and divers other purchaſers.*

Governor and company of hollow ſword blades.

11 & 12 W. 3. c. 2.

WHEREAS *the governor and company for making hollow ſword blades in* England, *and divers other perſons, did (in purſuance of an act of parliament made in the eleventh year of the reign of the late King* William *the Third, of glorious memory, intituled,* An act for granting an aid to his Majeſty by ſale of forfeited and other eſtates and intereſts in *Ireland,* and by a land tax, for the purpoſes therein mentioned, *and of ſeveral other acts relating to the ſaid forfeited and other eſtates and intereſts) purchaſe of the truſtees appointed by the ſaid acts, ſeveral honours, manors, baronies, caſtles, meſſuages, lands, tenements, rents, reverſions, ſervices, remainders, poſſeſſions, royalties, franchiſes, juriſdictions, privileges, and appurtenances thereunto belonging in the kingdom of* Ireland: *and whereas divers actions and ſuits have been brought againſt ſeveral purchaſers of eſtates under the ſaid acts of parliament, and the title to the ſame, under the ſaid truſtees, hath been called in queſtion, and ſeveral judgments have been given in* Ireland *againſt ſome of the ſaid purchaſers, and one of thoſe judgments hath been affirmed on a writ of error in her Majeſty's court of* Queen's Bench *in* England, *and alſo in the houſe of peers in* England, *whereby the ſaid purchaſers are in danger of having their titles to the eſtates and intereſts, ſo by them purchaſed, further called in queſtion and diſputed:* Who purchaſed lands in Ireland of the truſtees. The title to the ſame hath been queſtioned.

For quieting the ſaid company.

now for the quieting the ſaid governor and company, and the ſaid other purchaſers in the poſſeſſion of the ſeveral eſtates and intereſts ſo by them reſpectively purchaſed of the ſaid truſtees, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by authority of the ſame, That all and every perſon or perſons whatſoever, who ſhall claim or pretend any right or title to any of the eſtates or intereſts purchaſed of the ſaid truſtees, or any part thereof, or any intereſt therein, or any incumbrance thereupon, either in law or equity, on pretence that the ſame were not veſted in the ſaid truſtees, within the true intent and meaning of the ſaid ſeveral acts of parliament, ſome or one of them, or on any other pretence whatſoever, ſhall commence, ſue and proſecute ſuch his, her or their claim and pretenſion, within two years, to be computed from the four and twentieth day of *June,* one thouſand ſeven hundred and eight, in one of her Majeſty's courts of record in *Ireland*; and in default thereof, the party or parties claiming, his, her, or their heirs, executors, adminiſtrators and aſſigns, and any claiming by, from or under him, her or them, or any of them, ſhall be for ever abſolutely debarred, and without remedy either in law or equity.

Time allowed to purchaſers to proſecute their claims.

In default thereof, to be debarred.

II. Pro-

II. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That if any perſon or perſons, whoſe claim is intended to be hereby limited, ſhall be a feme-covert, or within the age of one and twenty years, *non compos mentis*, or in priſon, That then ſuch perſon or perſons ſhall commence and proſecute his, her or their reſpective claim, as aforeſaid, within two years next and immediately after he, ſhe or they ſhall be of full age, diſcovert or ſane memory, or at large, as other perſons having no ſuch impediment are hereby limited to do; and in default or neglect thereof ſhall be for ever barred of any ſuch claim, as aforeſaid. Proviſo if claimant be a feme covert, under age, or *non compos*, &c.

III. And be it further enacted by the authority aforeſaid, That this preſent act ſhall be accepted, taken, deemed and reputed to be, as is hereby declared to be a publick act of parliament; of which all and every judge and judges of this kingdom, and the kingdom of *Ireland*, and other perſons, are to take notice on all occaſions whatſoever. Act to be a publick act.

IV. Provided nevertheleſs, That nothing in this preſent act ſhall extend, or be conſtrued to extend to prejudice the right, title, or intereſt of any perſon or perſons that are in actual poſſeſſion of any meſſuages, lands, tenements, hereditaments, or other eſtates or intereſts that were ſold by the ſaid truſtees. Not to prejudice right of perſons in actual poſſeſſion, &c.

CAP. XXXV.

An act for the publick regiſtring of all deeds, conveyances, wills, and other incumbrances that ſhall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the East Riding *of the county of* York, *or the town and county of the town of* Kingſton *upon* Hull, *after the nine and twentieth day of* September, *one thouſand ſeven hundred and eight, and for the rendring the regiſter in the* West Riding *more complete.*

I. WHEREAS *the lands in the* East Riding *of the county of* York, *and in the town and county of the town of* Kingſton *upon* Hull *are generally freehold, which may be ſo ſecretly transferred or conveyed from one perſon to another, that ſuch as are ill diſpoſed have it in their power to commit frauds, and frequently do ſo, by means whereof ſeveral perſons (who through many years induſtry in their trades and employments, and by great frugality have been enabled to purchaſe lands, or to lend monies on land ſecurity) have been undone in their purchaſes and mortgages, by prior and ſecret conveyances, and fraudulent incumbrances, and not only themſelves, but their whole families thereby utterly ruined:* for remedy whereof, may it pleaſe your moſt excellent Majeſty (at the humble requeſt of the juſtices of the peace, gentlemen, and freeholders of the ſaid *Eaſt Riding*, and of the ſaid town and county of the town of *Kingſton* upon *Hull*, that it may be enacted, and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority

thority of the same, That a memorial of all deeds and conveyances which from and after the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight, shall be made and executed, and of all wills and deviſes in writing made, or to be made and publiſhed, where the deviſor or teſtatrix ſhall die after the ſaid nine and twentieth day of *September*, of or concerning, and whereby any honors, manors, lands, tenements, or hereditaments in the ſaid *Eaſt Riding*, or in the ſaid town and county of the town of *Kingſton upon Hull*, may be any way affected in law or equity, may be regiſtered in ſuch manner as is herein after directed; and that every ſuch deed or conveyance that ſhall, at any time after the ſaid nine and twentieth day of *September*, be made and executed, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs ſuch memorial thereof be regiſtred, as by this act is directed, before the regiſtring of the memorial of the deed or conveyance, under which ſuch ſubſequent purchaſer or mortgagee ſhall claim; and that every ſuch deviſe by will ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs a memorial of ſuch will be regiſtred in ſuch manner as is herein after directed.

Conveyances and wills whereby lands, &c. in the Eaſt Riding of Yorkſhire or Hull may be affected, to be regiſtred.

Deed not ſo regiſtred void. 7 An. c. 20. Abr. Eq. 357, 358. Wrightſon v. Hanſon 13 Feb. 1737. at the Rolls.

II. And for ſettling and eſtabliſhing a certain method, with proper rules and directions for regiſtring ſuch memorials as aforeſaid, be it further enacted by the authority aforeſaid, That one publick office for regiſtering ſuch memorials of and concerning any honors, manors, lands, tenements, and hereditaments, that are ſituate, lying, and being within the ſaid *Eaſt Riding*, or the ſaid town and county of the town of *Kingſton upon Hull*, ſhall (at the publick charge of the ſaid *Eaſt Riding*, to be raiſed by the juſtices of the peace thereof at their general quarter ſeſſions of the peace, in ſuch manner as they are impowered to raiſe money for the repairs of publick or county bridges) be erected and eſtabliſhed at *Beverly*, the neareſt market town to the center or middle of the ſaid *Eaſt Riding*, to be managed and executed by a fit and able perſon, to be from time to time elected and appointed in manner herein after directed, or his ſufficient deputy, and to continue in the ſaid office for ſo long time as he ſhall well demean himſelf therein.

Method eſtabliſhed for regiſtring ſuch memorials.

Regiſter office to be at Beverly.

III. And be it further enacted by the authority aforeſaid, That all elections of a regiſter to be made or appointed by virtue of this act, ſhall be performed by balloting, in manner following; that is to ſay, all the freeholders that at the time of any ſuch election have an eſtate of freehold of or in any lands, tenements, or hereditaments within the ſaid *Eaſt Riding*, and the ſaid town and county of the town of *Kingſton upon Hull*, or in either of them, of the yearly value of one hundred pounds, to be determined by the oath of the elector, before the ſcrutators herein after mentioned, if any doubt ariſe touching the ſame (which oath they are hereby impowered to adminiſter) ſhall be electors of the ſaid regiſter; and that the juſtices of the

Regiſter to be elected by balloting.

peace

peace for the said *East Riding*, in that behalf assembled, or the major part of them, or any five of such justices to be appointed by such major part, shall be scrutators of the ballot, who shall meet on the day and place of election, and there in the presence of the electors, shall place one or more glass vessels to be provided for that purpose, into which each elector present shall put one open paper, containing the name of such person as he approves of to be register; which papers shall be taken out again in the presence of the scrutators, by a person by them in that behalf appointed; and the name or names of every person therein shall be once transcribed in distinct columns, and under each name shall be set down the number of their electors, which shall be deliberately cast up by the said scrutators, and the same shall be read over in the hearing, and fixt up in the view of the electors then present, and the person upon whom the majority shall fall, shall be declared register.

Time of election.

IV. And be it further enacted by the authority aforesaid, That the election of a person to be the first register shall be made at *Beverly* aforesaid, upon the thirteenth day of *July*, in the said year of our Lord one thousand seven hundred and eight, in open court, between the hours of nine in the morning and three in the afternoon.

On death of register a new one to be elected.

V. And be it further enacted by the authority aforesaid, That when and as often as the said office shall become vacant by the death, forfeiture, or surrender of any such register, the justices of the peace for the said *East Riding* assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court declare the said vacancy, and by order of the same sessions shall appoint and prefix a certain day and time within the space of one calendar month, and above three weeks ensuing the end of such general quarter sessions, for the electors to assemble at *Beverly* aforesaid, to choose a fit and able person in the manner aforesaid, to supply the said vacancy; and to the intent that all persons qualified to be electors may have due notice of such vacancy and time of election of a succeeding register, the clerk of the peace for the time being for the said *East Riding*, shall forthwith cause copies of such order, for the prefixing the time of such election, to be delivered to the respective chief constables of the several wapentakes within the said *East Riding*, who shall and are hereby required to publish the same in full market in every market town within their respective wapentakes, on the next market day after the receipt thereof, and to affix the same in the most publick place of resort there.

Who shall be sworn.

VI. And be it further enacted, That every such register, before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the said riding, or any three or more of them that shall be present at his election (who are hereby impowered and required to administer such oath) in these words:

Register's oath.

YOU *shall truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of parliament, intituled,* An act for the publick registring of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the *East Riding* of the county of *York*, or the town and county of the town of *Kingston upon Hull*, after the nine and twentieth day of *September*, one thousand seven hundred and eight; *and that you have not given or promised directly or indirectly, nor authorized any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you.*

So help you GOD.

Register's deputy to take said oath.

VII. And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall, before he enter upon the execution thereof, take the said oath appointed to be taken by the said register, before two or more of the justices of the peace for the said riding, who are hereby impowered and required to administer such oath.

Executors of deceased register to execute office, until a new one be elected.

VIII. And be it further enacted, That upon the death of any such register, and until another election of a fit person to execute that office shall be made in manner aforesaid, the executors and administrators of the register deceased, together with the sureties for the said register, or their executors and administrators, shall appoint a proper person to execute the office of register, for whose demeanor in the execution of the said office the security given for such register deceased shall be answerable.

And take the oath prescribed.

IX. And be it further enacted, That the person to be appointed, as aforesaid, upon the death of any register, to execute the said office during the time the same shall be vacant, as aforesaid, shall, before he enter upon the execution thereof, take the oath herein before appointed to be taken by such register and his deputy, before two or more justices of the peace for the said riding (who are hereby impowered to administer the same oath) and that if such person so appointed shall be lawfully convicted of any neglect, misdemeanor or fraudulent practice in the execution of the said office, during such vacancy, he shall be liable to pay treble damages with full costs of suit to every person that shall be injured thereby, to be recovered as is herein after directed.

Penalty on neglect.

All memorials to be registred in vellum or parchment.

X. And be it further enacted by the authority aforesaid, That all and every memorials so to be entred and registred, shall be put into writing in vellum or parchment, and brought to the said office, and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors, or administrators, guardians, or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall upon his oath, before the said register, or his deputy, prove the signing and sealing of

such

ſuch memorial, and the execution of the deed or conveyance mentioned in ſuch memorial; and in caſe of wills, the memorial ſhall be under the hand and ſeal of ſome or one of the deviſees, his or their heirs, executors, or adminiſtrators, guardians, or truſtees, atteſted by two witneſſes, one whereof ſhall upon his oath, before the ſaid regiſter, or his deputy, prove the ſigning and ſealing of ſuch memorial, which reſpective oaths the ſaid regiſter, or his deputy, is hereby impowered to adminiſter.

What every memorial ſhall contain.

XI. And be it further enacted, That every memorial of any deed, conveyance, or will, ſhall contain the day of the month, and the year when ſuch deed, conveyance, or will bears date, and the names and additions of all the parties to ſuch deed or conveyance, and of the deviſor or teſtatrix of ſuch will, and of all the witneſſes to ſuch deed, conveyance or will, and the places of their abode, and ſhall expreſs or mention the honors, manors, lands, tenements, and hereditaments contained in ſuch deed, conveyance, or will, and the names of all the pariſhes, townſhips, hamlets, precincts, or extraparochial places within the ſaid *eaſt riding*, and the ſaid town and county of the town of *Kingſton* upon *Hull*, or either of them, where any ſuch honors, manors, lands, tenements, or hereditaments, are lying or being, that are given, granted, conveyed, deviſed, or any way affected or charged by any ſuch deed, conveyance, or will, in ſuch manner as the ſame are expreſſed or mentioned in ſuch deed, conveyance, and will, or to the ſame effect; and that every ſuch deed, conveyance, and will, or probate of the ſame, of which ſuch memorial is ſo to be regiſtred, as aforeſaid, ſhall be produced to the ſaid regiſter, or his deputy, at the time of entring ſuch memorial, who ſhall indorſe a certificate on every ſuch deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time on which ſuch memorial is ſo entred or regiſtred, expreſſing alſo in what book, page, and number, the ſame is entred, and that the ſaid regiſter, or his deputy, ſhall ſign the ſaid certificate when ſo indorſed; which certificates ſhall be taken and allowed as evidence of ſuch reſpective regiſtries in all courts of record whatſoever; and that every page of ſuch regiſter books, and every memorial that ſhall be entred therein, ſhall be numbred, and the day of the month, and the year, and hour, or time of the day, when every memorial is regiſtred, ſhall be entred in the margents of the ſaid regiſter books, and of the ſaid memorial; and that every ſuch regiſter ſhall keep an alphabetical calendar of all pariſhes, extraparochial places and townſhips, within the ſaid *Eaſt riding*, and the ſaid town and county of the town of *Kingſton* upon *Hull*, with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments in every ſuch pariſh, extraparochial place or townſhip reſpectively, and of the names of the parties mentioned in ſuch memorial, and that ſuch regiſter ſhall duly file every ſuch memorial, in order of time, as the ſame ſhall be brought to the ſaid office, and enter or regiſter the ſaid memorials, in the ſame order that they ſhall reſpectively come to his hand.

Regiſter to indorſe on every deed, will, &c. a certificate, &c.

And keep an alphabetical calendar of pariſhes, &c.

And file every memorial in order of time.

XII. And

Memorials, &c. made in London, or not within 40 miles of Eaſt riding, may be entred on affidavit.

XII. And be it further enacted by the authority aforeſaid, That a memorial of ſuch deeds, conveyances and wills as ſhall be made and executed, or publiſhed in *London*, or in any other place not within forty miles of the ſaid *Eaſt riding*, which do or may concern or affect any honors, manors, lands, tenements, or hereditaments in the ſaid *Eaſt riding*, or the ſaid town and county of the town of *Kingſton* upon *Hull*, ſhall be entred or regiſtred by the aforeſaid regiſter or his deputy, in caſe an affidavit ſworn before one of the judges at *Weſtminſter*, or a maſter in *Chancery*, ordinary or extraordinary, be brought with the ſaid memorial to the ſaid regiſter, or his deputy, wherein one of the witneſſes to the execution of ſuch deeds and conveyances ſhall ſwear, he or ſhe ſaw the ſame executed, and the memorial ſigned and ſealed, as aforeſaid, or wherein one of the witneſſes to the memorial of any will ſhall ſwear, he or ſhe ſaw ſuch memorial ſigned and ſealed, as aforeſaid; and the ſame ſhall be a ſufficient authority to the ſaid regiſter or his deputy, to give the party that brings ſuch memorial and affidavit a certificate of the regiſtring ſuch memorial; which certificate ſigned by the ſaid regiſter or his deputy, ſhall be taken and allowed as evidence of the regiſtries of the ſame memorials in all courts of record whatſoever; any thing in this act to the contrary thereof contained in any wiſe notwithſtanding.

In caſe of more writings than one, which concern the ſame lands, &c. Memorial ſufficient, if lands, &c. are only once named therein.

XIII. Provided always, and be it enacted, That where there are more writings than one for making and perfecting any conveyance or ſecurity, which do name, mention, or any ways affect or concern the ſame honors manors, lands, tenements, or hereditaments, it ſhall be a ſufficient memorial and regiſter thereof, if all the ſaid honors, manors, lands, tenements, and hereditaments, and the pariſhes, townſhips, hamlets, or extraparochial places, wherein the ſame lie, be only once named or mentioned in the memorial, regiſter, and certificate of any one of the deeds or writings made for the perfecting of ſuch conveyance or ſecurity, and that the dates of the reſt of the ſaid deeds or writings relating to the ſaid conveyance or ſecurity, with the names and additions of the parties and witneſſes, and the places of their abodes, be only ſet down in the memorials, regiſters, and certificates of the ſame, with a reference to the deed or writing whereof the memorial is ſo regiſtred, that contains or expreſſes the parcels mentioned in all the ſaid deeds, and directions how to find the regiſtring the ſame.

Memorials of wills regiſtred within ſix months after death of deviſor, &c. valid.

XIV. Provided alſo, and it is hereby enacted, That all memorials of wills that ſhall be regiſtred in manner as aforeſaid, within the ſpace of ſix months after the death of every reſpective deviſor or teſtatrix dying within the kingdom of *Great Britain*, or within the ſpace of three years after the death of every reſpective deviſor or teſtatrix dying upon or in any parts beyond the ſeas, ſhall be as valid and effectual againſt ſubſequent purchaſers, as if the ſame had been regiſtred immediately after the death of ſuch reſpective deviſor or teſtatrix; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

XV. Pro-

XV. Provided always, That in caſe the deviſee, or perſon or perſons intereſted in the honors, manors, lands, tenements, or hereditaments, deviſed by any ſuch will, as aforeſaid, by reaſon of the conteſting ſuch will, or other inevitable difficulty, without his, her, or their wilful neglect or default, ſhall be diſabled to exhibit a memorial for the regiſtry thereof, within the reſpectives times herein before limited, and that a memorial ſhall be entred in the ſaid office of ſuch conteſt or other impediment, within the ſpace of ſix months after the deceaſe of ſuch deviſor or teſtatrix, who ſhall die within the kingdom of *Great Britain*, or within the ſpace of three years next after the deceaſe of ſuch perſon who ſhall die upon or beyond the ſeas, then and in ſuch caſe the regiſtry of the memorial of ſuch will, within the ſpace of ſix months next after his, her, or their attainment of ſuch will, or a probate thereof, or removal of the impediment, whereby he, ſhe, or they are diſabled or hindred to exhibit ſuch memorial, ſhall be a ſufficient regiſtry within the meaning of this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding. Proviſo in caſe of wills conteſted.

XVI. *And whereas by an act of parliament made in the twenty ſeventh year of the reign of King* Henry *the Eighth, intituled,* For inrollments of bargains and ſales, *it is enacted, That no manors, lands, tenements, or other hereditaments, ſhall paſs, alter, or change from one to another, whereby any eſtate of inheritance or freehold ſhall be made or take effect in any perſon or perſons, or any uſe thereof to be made, by reaſon only of any bargain and ſale thereof, except the ſaid bargain and ſale be made by writing indented, ſealed, and enrolled in one of the King's courts of record at* Weſtminſter, *or elſe within the ſame county or counties where the ſame manors, lands, tenements, or hereditaments ſo bargained and ſold, lye or be, before the* Cuſtos Rotulorum, *and two juſtices of the peace, and the clerk of the peace of the ſaid county or counties, or two of them at the leaſt, whereof the clerk of the peace to be one; which act hath been found by experience to be of little or no uſe within the ſaid* Eaſt riding, *or the ſaid town and county of the town of* Kingſton *upon* Hull, *for that the clerks of the peace thereof reſpectively for the time being, who have the keeping of the ſaid inrollments within the ſaid reſpective places, are not by the ſaid act enjoyned to give any ſecurity for the ſafe keeping, nor under any penalty for the negligent keeping of the ſaid inrollments, nor is there by the ſaid act any certain place appointed for keeping thereof; and whereas by this preſent act a publick office is intended to be erected and eſtabliſhed at* Beverly *aforeſaid, at the publick charge of the ſaid* Eaſt riding, *for regiſtring and ſafe keeping memorials of all deeds, conveyances, and wills, as aforeſaid, and a publick regiſter to be choſen, who, according to the directions herein after mentioned, is to give ſufficient ſecurity for the due execution of the ſaid office:* for rendring therefore the ſaid act made in the twenty ſeventh year of the reign of King *Henry* the Eighth more effectual and beneficial to the inhabitants of the ſaid *Eaſt riding*, and of the town and county of the town of *Kingſton* upon *Hull*, be it further enacted by the authority aforeſaid, That from and after the ſaid nine and twentieth 27 H. 8. c. 16. 27 H. 8. c. 16.

After 29 Sept. 1708. all bargains and ſales of lands, &c. inrolled at Beverly, to be as effectual as if inrolled at Weſtminſter, &c.

twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and eight, all bargains and ſales of any manors, lands, tenements, and hereditaments, ſituate, lying and being within the ſaid *Eaſt riding*, or the ſaid town and county of the town of *Kingſton* upon *Hull*, which ſhall be inrolled by the ſaid regiſter, or his deputy for the time being, in the ſaid publick office at *Beverly*, ſhall be as good, effectual, and available, to all intents and purpoſes whatſoever, as if the ſame had been inrolled in one of the Queen's courts of record at *Weſtminſter*, or before the *Cuſtos Rotulorum* and two juſtices of the peace and the clerk of the peace of the ſaid *Eaſt riding*, or of the ſaid town and county of the town of *Kingſton* upon *Hull*, or two of them, according to the aforeſaid act made in the twenty ſeventh year of the reign of King *Henry* the Eighth, or any other act now in force: and one or more juſtice or juſtices of the peace of the ſaid riding for the time being ſhall have power to take and enter the acknowledgment of the bargainor, if but one, or of one of the bargainors if more, in ſuch bargains and ſales; and the ſaid regiſter, or his deputy for the time being, ſhall well and ſufficiently inroll, by ingroſſing in parchment books, all ſuch bargains and ſales as ſhall for that purpoſe be acknowledged as aforeſaid, and ſhall indorſe a certificate on ſuch bargains and ſales of the times of inrolling thereof, and ſign the ſame, and the books thereof ſhall ſafely keep in the ſaid publick office, there to remain upon record amongſt the memorials of deeds there regiſtred.

Deeds ſo inrolled to be ſufficient evidence.

XVII. And be it further enacted, That all deeds of bargain and ſale ſo inrolled in the ſaid publick or regiſter office, as aforeſaid, which ſhall appear to be ſo inrolled by an indorſement or certificate on the ſaid deeds of bargain and ſale, ſigned by the ſaid regiſter, or his deputy, and that all copies of the inrollments thereof remaining on record in the ſaid regiſter office, ſhall be allowed in all courts where ſuch bargains and ſales, or copies ſhall be produced, to be as good and ſufficient evidence as any bargains and ſales inrolled in any of the courts at *Weſtminſter*, and the copies of the inrollments thereof.

Every ſuch inrollment to be deemed the entring a memorial thereof.

XVIII. And be it further enacted, That every ſuch inrollment of every ſuch deed in the ſaid regiſter office, as aforeſaid, ſhall be deemed and adjudged to be the entring a memorial thereof purſuant to this act, and ſhall have the ſame force and effect upon the eſtate therein mentioned, in relation to all ſubſequent deeds, conveyances, and wills, and to all other intents and purpoſes, as if a memorial of ſuch inrolled deed had been entred in the ſaid regiſter office, as aforeſaid, purſuant to this act.

No judgment, ſtatute, &c. after 29 Sept 1708. ſhall affect any lands, &c. in Eaſt riding, or Hull but only from the time

XIX. And be it further enacted by the authority aforeſaid, That no judgment, ſtatute, or recognizance (other than ſuch as ſhall be entred into in the name and upon the proper account of her Majeſty, her heirs and ſucceſſors) which ſhall be obtained, or entred into after the ſaid nine and twentieth day of *September*, in the ſaid year of our Lord one thouſand ſeven hundred and eight, ſhall affect or bind any honors, manors, lands, tenements,

ments, or hereditaments, ſituate, lying, and being in the ſaid *Eaſt riding*, or in the ſaid town and county of the town of *Kingſton* upon *Hull*, but only from the time that a memorial of ſuch judgment, ſtatute, or recognizance ſhall be entred at the ſaid regiſter office, expreſſing and containing, in caſe of ſuch judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the ſums thereby recovered, and the time of the ſigning thereof; and in caſe of ſtatutes and recognizances, expreſſing and containing the date of ſuch ſtatute or recognizance, the names and additions of the cognizors and cognizees therein, and for what ſums, and before whom the ſame were acknowledged; and that in order to the making an entry of ſuch memorials of judgments, ſtatutes, and recognizances, as aforeſaid, the party and parties deſiring the ſame, ſhall produce to, and leave with the ſaid regiſter, or his deputy, to be filed in the ſaid publick or regiſter office, a memorial of ſuch judgment, ſtatute, or recognizance, ſigned by the proper officer or his deputy who ſhall ſign ſuch judgment, or his ſucceſſor in the ſame office, or by the proper officer in whoſe office ſuch ſtatute or recognizance ſhall be inrolled, together with an affidavit, ſworn before one of the judges at *Weſtminſter*, or a maſter in *Chancery*, That ſuch memorial was duly ſigned by the officer, whoſe name ſhall appear to be thereunto ſet, which memorial ſuch reſpective officer is hereby required to give ſuch plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or adminiſtrators, or attorney, or any of them, he, ſhe, or they paying for the ſame the ſum of one ſhilling, and no more.

that a memorial thereof be entred, &c.

XX. And be it further enacted, That the ſaid regiſter or his deputy ſhall make an entry, and likewiſe (if required) ſhall give a certificate in writing, under his hand, teſtified by two credible witneſſes, of every ſuch memorial of any judgment, ſtatute, or recognizance brought to him to be ſo regiſtred, as aforeſaid, and therein mention the certain day on which ſuch memorial is ſo regiſtred or entred, expreſſing alſo in what book, page, and number the ſame is entred.

Regiſter to enter every ſuch memorial, and give a certificate, &c.

XXI. And be it further enacted, That every ſuch regiſter ſhall be allowed for the entry of every ſuch memorial, as is by this act directed, the ſum of one ſhilling, and no more, in caſe the ſame do not exceed two hundred words; but if ſuch memorial ſhall exceed two hundred words, then after the rate and proportion of ſix pence an hundred for all the words contained in ſuch memorial, over and above the firſt two hundred words; and the like fees for the like number of words contained in every ſuch bargain and ſale, as aforeſaid, and in every certificate or copy given out of the ſaid office, and no more; and for every ſearch in the ſaid office, one ſhilling, and no more.

Fees for entries of memorials.

XXII. And be it further enacted by the authority aforeſaid, That every ſuch regiſter, or his ſufficient deputy, ſhall give due attendance at his office every day in the week (except *Sundays* and holy-days) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the

Times of attendance at the office.

the diſpatch of all buſineſs belonging to the ſaid office, and that every ſuch regiſter, or his deputy, as often as required, ſhall make ſearches, concerning all memorials that are regiſtred, as aforeſaid, and give certificates concerning the ſame under his hand (if required by any perſon) teſtified by two credible witneſſes.

Regiſter to enter into a recognizance of 2000l. for the true execution of his office.

XXIII. And be it further enacted by the authority aforeſaid, That every regiſter at the time of his being ſworn into the ſaid office, as aforeſaid, ſhall enter into a recognizance, with two or more ſufficient ſureties (to be approved of by five or more of the juſtices of the peace of the ſaid riding, that were preſent at his election, by writing under their hands and ſeals to be regiſtred at the next general quarter ſeſſions of the peace for the ſaid riding) of the penalty of two thouſand pounds unto her Majeſty, her heirs and ſucceſſors, to be taken by the ſame juſtices of the peace that approved of his ſecurity, conditioned for his true and faithful performance of his duty in the execution of his ſaid office, in all things directed and required by this act, the ſame to be tranſmitted by the ſame juſtices of the peace, within one month next after the date thereof, into the office of her Majeſty's remembrancer of the Exchequer, there to remain amongſt the records of the ſaid court.

Penalty in caſe of neglect of duty.

XXIV. And be it further enacted, That if any ſuch regiſter, or his deputy, ſhall neglect to perform his or their duty in the execution of the ſaid office, according to the rules and directions in this act mentioned, or commit or ſuffer to be committed any undue or fraudulent practice in the execution of the ſaid office, and be thereof lawfully convicted, then ſuch regiſter ſhall forfeit his ſaid office, and pay treble damages with full coſts of ſuit to every ſuch perſon or perſons as ſhall be injured thereby, to be recovered by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law, ſhall be allowed, nor any more than one imparlance.

On death or ſurrender, if no miſbehaviour appear recognizance to be void.

XXV. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That when any regiſter ſhall die or ſurrender his office, and that within the ſpace of three years from and after ſuch death or ſurrender no miſbehaviour appear to have been committed by ſuch regiſter in the execution of his ſaid office, then and in ſuch caſe, at the end of the ſaid three years after his death or ſurrender the ſaid recognizance ſo entred into by him ſhall become void and of none effect, to all intents and purpoſes whatſoever.

Penalty on forging or counterfeiting entry.

XXVI. And be it further enacted, That if any perſon or perſons ſhall at any time forge or counterfeit any entry of the acknowledgment of any bargainor in any ſuch bargain and ſale, as aforeſaid, or any ſuch memorial, certificate, or indorſement, as is herein mentioned or directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties, as in and by an act made in the fifth year of Queen *Elizabeth*, intituled, *An act againſt forgers of falſe deeds*

5 Eliz. c. 14.

and writings, are impoſed upon perſons for forging and publiſhing of falſe deeds, charters, or writings ſealed, court rolls or wills, whereby the freehold or inheritance of any perſon or perſons of, in, or to any lands, tenements, or hereditaments, ſhall or may be moleſted, troubled, or charged; and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſter, or his deputy, or before any judge or maſter in Chancery, in any of the caſes herein mentioned, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur, and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record at *Weſtminſter*.

And on perſons forſwearing themſelves.

XXVII. And be it further enacted by the authority aforeſaid, That in caſe of mortgages, judgments, ſtatutes, and recognizances, whereof memorials ſhall be entred in the ſaid regiſter office, purſuant to this act, if at any time afterwards a certificate ſhall be brought to the ſaid regiſter, or his deputy, ſigned by the reſpective mortgagors and mortgagees in ſuch mortgage, plaintiffs and defendants in ſuch judgment, cognizor and cognizees in ſuch ſtatute or recognizance, their reſpective executors, adminiſtrators, or aſſigns, and atteſted by two witneſſes, whereby it ſhall appear that all monies due upon ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, have been paid or ſatisfied in diſcharge thereof, which witneſſes ſhall, upon their oath before the ſaid regiſter, or his deputy (who are hereby reſpectively impowered to adminiſter ſuch oath) prove ſuch monies to be ſatisfied or paid accordingly, and that they ſaw ſuch certificate ſigned by the ſaid mortgagors and mortgagees, plaintiffs and defendants, cognizors and cognizees reſpectively, their reſpective executors, adminiſtrators, or aſſigns, that then and in every ſuch caſe, the ſaid regiſter, or his deputy, ſhall make an entry in the margents of the ſaid regiſter books againſt the regiſtry of the memorial of ſuch mortgage, judgment, ſtatute, or recognizance reſpectively, that ſuch mortgage, judgment, ſtatute, or recognizance reſpectively was ſatisfied and diſcharged according to ſuch certificate, to which the ſame entry ſhall refer; and ſhall after file ſuch certificate to remain upon record in the ſaid regiſter office.

Mortgages, judgments, &c. whereof memorials are entred, and afterwards monies due thereupon paid, regiſter may make an entry in the margin that ſuch mortgage, &c. is diſcharged.

XXVIII. Provided nevertheleſs, and be it enacted, That if any judgment, ſtatute, or recognizance be regiſtred in the ſaid regiſter office, within thirty days after the acknowledgment or ſigning thereof, all the lands that the defendants or cognizors had at the time of ſuch acknowledgment or ſigning, ſhall be bound thereby.

Proviſo if judgment, &c. be regiſtred within 30 days after ſigning.

XXIX. Provided always, and be it further enacted, That this act ſhall not extend to any copyhold eſtates, or to any leaſes at a rack rent, or to any leaſe not exceeding one and twenty years, where the actual poſſeſſion and occupation goeth along with the leaſe; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Not to extend to copyhold eſtates, &c.

XXX. And be it further enacted by the authority aforeſaid, That in all deeds of bargain and ſale hereafter inrolled in purſuance

ance of this act, whereby any eſtate of inheritance in fee-ſimple is limited to the bargainee and his heirs, the words *grant, bargain, and ſell* ſhall amount to, and be conſtrued and adjudged in all courts of judicature, to be expreſs covenants to the bargainee, his heirs and aſſigns, from the bargainor for himſelf, his heirs, executors, and adminiſtrators, that the bargainor notwithſtanding any act done by him, was at the time of the execution of ſuch deed ſeized of the hereditaments and premiſſes thereby granted, bargained, and ſold, of an indefeazible eſtate in fee-ſimple, free from all incumbrances (rents and ſervices due to the lord of the fee only excepted) and for quiet enjoyment thereof againſt the bargainor, his heirs and aſſigns, and all claiming under him, and alſo for further aſſurance thereof to be made by the bargainor, his heirs and aſſigns, and all claiming under him; unleſs the ſame ſhall be reſtrained and limited by expreſs particular words contained in ſuch deed; and that the bargainee, his heirs, executors, adminiſtrators, and aſſigns reſpectively, ſhall and may, in any action to be brought, aſſign a breach or breaches thereupon, as they might do in caſe ſuch covenants were expreſly inſerted in ſuch bargain and ſale.

How deeds of bargain and ſale of fee-ſimple eſtates ſhall be conſtrued and adjudged.

Every leaf of the regiſter books to be ſigned by two juſtices.

XXXI. And be it further enacted, That every leaf of the aforeſaid regiſter books and inrolment books ſhall be ſigned by two juſtices of the peace of the ſaid riding (to be from time to time appointed by the juſtices of the peace thereof, or the major part of them, at their general quarter ſeſſions of the peace aſſembled) who are hereby required to ſign the ſame accordingly; and that an entry thereof ſhall be made from time to time by the clerk of the peace of the ſaid riding for the time being, in the order book of the ſaid ſeſſions, and ſigned by the ſame juſtices of the peace that ſhall from time to time ſign the ſaid regiſter books and inrolment books, to remain upon record amongſt the records of the ſaid ſeſſions; and that a like entry ſhall be made upon record, and ſigned, as aforeſaid, of the number of the ſame books, and how called or marked, and how many pages each of them contains, that are at any time, and from time to time, uſed in the ſaid regiſter office.

No member of parliament to be regiſter.

XXXII. And be it enacted by the authority aforeſaid, That no member of parliament for the time being ſhall be capable of being choſe regiſter, or of executing by himſelf or any other perſon, the ſaid office, or have, take, or receive any fee or other profit whatſoever, for or in reſpect thereof; nor ſhall any regiſter, or his deputy for the time being, be capable of being choſe a member to ſerve in parliament.

Act to be a publick act.

XXXIII. And be it further enacted, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act, and all judges, juſtices, and other perſons therein concerned, are hereby required as ſuch to take notice thereof, without ſpecial pleading the ſame.

2 & 3 Annæ, c. 4.

XXXIV. *And whereas an act of parliament made in the ſecond year of her preſent Majeſty's reign, intituled,* An act for the publick regiſtring of all deeds, conveyances, and wills that ſhall be made

made of any honors, manors, lands, tenements, or hereditaments within the west riding of the county of *York*, after the nine and twentieth day of *September*, one thousand seven hundred and four; *and also one other act made in the fifth year of her present Majesty's reign, intituled*, An act for inrolments of bargains and sales within the west riding of the county of *York*, in the register office there lately provided, and for making the said register more effectual, *were of very good design, but have been found by experience to be defective in several particulars, for which apt remedy is provided by the method of this act, in and for the said east riding of the county of* York, *and the town and county of the town of* Kingston upon Hull; be it therefore enacted by the authority aforesaid, That from and after the said nine and twentieth day of *September*, one thousand seven hundred and eight, all and every the provisions, clauses, articles, matters and things in this present act contained, concerning the said east riding, and the town and county of the town of *Kingston upon Hull*, and not provided for or contained in the said recited acts, or either of them, shall extend unto, and affect all honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding (the mortgage or purchase whereof shall exceed the sum of fifty pounds) as effectually as if the same and every of them were respectively inserted and contained in the said recited acts, and that from and after the said nine and twentieth day of *September*, one thousand seven hundred and eight, all and every person and persons in the execution of the said recited acts respectively within the said west riding, shall conform unto, and duly observe the alterations, additional provisions, orders, rules, and directions of this present act, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding, and every matter and thing relating thereunto, in like manner as is by this act required and enjoined to be done within the said east riding, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said east riding, and town and county of the town of *Kingston upon Hull*, or any matter or thing relating thereunto; any thing in the said recited acts, or either of them, to the contrary thereof contained in any wise notwithstanding.

5 Ann. c. 18.

From 29 Sept. 1708, all the provisions, clauses, &c. in this act, and not contained in the above recited acts, to affect all honors, manors, &c. within the west riding, as if the same were inserted in the said acts.

CAP. XXXVI.

An act for raising the militia of this kingdom, for the year one thousand seven hundred and eight, although the month's pay formerly advanced be not repaid.

EXP.

CAP. XXXVII.

An act for the encouragement of the trade to America.

I. FOR advancement of the trade of her Majesty's kingdom of *Great Britain*, to and in the several parts of *America*, for the further encouragement of her Majesty's ships, and private ships of war, the annoying and diminishing the wealth and

For advancement of the trade to America.

power of her Majeſty's enemies in thoſe parts, and for the encreaſe of ſhipping and of ſeamen for theſe and other ſervices; be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all prize offices in any port or place in *America* be and are hereby ſuppreſſed and taken away, to all intents and purpoſes whatſoever, from and after the four and twentieth day of *June*, one thouſand ſeven hundred and eight.

All prize offices in America ſuppreſſed.

II. And for the better encouragement alſo of ſuch ſhips and veſſels of war, which are or ſhall be in her Majeſty's pay or ſervice, be it further enacted by the authority aforeſaid, That the flag officers, commanders, and other officers and ſeamen of every ſuch ſhip or veſſel of war, ſhall have the ſole intereſt and property of and in all and every ſhip, veſſel, goods, and merchandize they ſhall take in any part of *America* (being firſt adjudged lawful prize in any of her Majeſty's courts of admiralty, and ſubject to the cuſtoms and duties payable to her Majeſty, as if the ſame had been firſt imported to any part of *Great Britain*, and from thence exported, for and in reſpect of all ſuch goods and merchandize) to be divided in ſuch proportions, and after ſuch manner, as her Majeſty, her heirs and ſucceſſors ſhall think fit to order and direct.

Officers and ſeamen, &c. to have the ſole property in all prize ſhips, &c.

III. And for the encouragement and encreaſe of private ſhips of war, be it further enacted, That the lord high *admiral* of *Great Britain*, or the commiſſioners for executing the office of lord high admiral of *Great Britain* for the time being, or any perſon or perſons in any part of *America*, by him or them impowered and appointed, ſhall (at any time during the preſent war, at the requeſt of any *Britiſh* owner or owners of any ſhip or veſſel, giving ſuch bail and ſecurity as has been uſually taken upon granting commiſſions, or letters of marque, except only for the payment of the tenths of the value of the prizes which ſhall be taken, to the lord high admiral) cauſe to be iſſued forth (in the uſual manner) one or more commiſſion or commiſſions to any perſon or perſons whom ſuch owner or owners ſhall nominate to be commander (or in caſe of death ſucceſſively commanders) of ſuch ſhip or veſſel, for the attacking, ſurprizing, ſeizing, and taking, by and with ſuch ſhip or veſſel, any ſhip or veſſel, goods, ammunition, arms, ſtores of war, or merchandizes belonging to, or poſſeſſed by any of her Majeſty's enemies, in any ſea, creek, haven, or river in *America*, not being within the ſpace of one hundred leagues of any part of *Aſia* or *Africa*, whereof that trade is already granted to the *Eaſt India* company; and that ſuch ſhip or ſhips, veſſel and veſſels, arms, ammunition, ſtores of war, goods, and merchandizes whatſoever, with all their furniture, tackle, or apparel ſo to be taken by or with ſuch private owner or owners, ſhip or veſſel, according to ſuch commiſſion and commiſſions, being firſt adjudged lawful prize in any of her Majeſty's courts of admiralty

Encouragement for the encreaſe of private ſhips of war.

n or for any of her colonies or plantations in *America*, ſhall ſubject to the cuſtoms and duties payable to her Majeſty, as aforeſaid, for and in reſpect of ſuch goods and merchandizes) wholly and intirely belong to, and be divided between and among the owner or owners of ſuch ſhip or veſſel, and the ſeveral perſons which ſhall be on board the ſame, and be aiding and aſſiſting to the taking thereof, in ſuch ſhares and proportions as ſhall be agreed on with the owner or owners of ſuch ſhip or veſſel as ſhall be the captor thereof, their agents or factors, as the proper goods and chattels of ſuch owner or owners, and the perſons that ſhall be thus entitled thereto, by virtue of ſuch agreements among themſelves; and that neither her Majeſty, her heirs or ſucceſſors, or any admiral, vice admiral, governor, or other perſon commiſſioned by or claiming under her Majeſty, her heirs or ſucceſſors, or any perſon or perſons whatſoever (other than the owner or owners of ſuch ſhip or veſſel, being the captor of ſuch prize ſhip or veſſel, arms, ammunition, ſtores of war, goods and merchandizes, and the perſons claiming under him or them) ſhall be entitled to any part or ſhare thereof (her Majeſty's ſaid duties and cuſtoms being duly anſwered and paid;) any cuſtom, ſtatute, or other law to the contrary notwithſtanding.

Altered and explained by 9 Ann. c. 27. ſ. 1.

IV. And for the more ſpeedy proceeding to condemnation or other determination of any prize ſhip or veſſel, goods and merchandizes taken by any ſuch privateer ſhip, or by any of her Majeſty's ſhips of war, in ſuch court of admiralty, as aforeſaid, and for leſſening the expences that have been uſual in thoſe caſes; be it further enacted by the authority aforeſaid, That the judge or judges of ſuch court of admiralty, or other perſon or perſons thereto authorized, ſhall within the ſpace of five days after requeſt to him or them for that purpoſe made, finiſh the uſual preparatory examination of the perſons commonly examined in ſuch caſes, in order to prove the capture to be lawful prize, or to enquire whether the ſame be lawful prize or not; and that the proper monition uſual in ſuch caſes ſhall be iſſued by the perſon or perſons proper to iſſue the ſame, and ſhall be executed in the uſual manner by the perſon or perſons proper to execute the ſame, within the ſpace of three days after requeſt in that behalf made; and in caſe no claim of ſuch capture, ſhip, veſſel, or goods ſhall be duly entred or made in the uſual form, and atteſted upon oath; giving twenty days notice after the execution of ſuch monition, or if there be ſuch claim, and the claimant or claimants ſhall not within five days give ſufficient ſecurity (to be approved by ſuch court of admiralty) to pay double coſts to the captor or captors of ſuch ſhip, veſſel, or goods, in caſe the ſame ſo claimed ſhall be adjudged lawful prize, that then the judge or judges of ſuch court of admiralty ſhall, upon producing to him or them the ſaid examinations or copies thereof, and upon producing to him or them, upon oath, all papers and writings which ſhall have been found,

Manner of condemning prize ſhips.

taken in or with ſuch capture (or upon oath made that no ſuch papers were found) immediately, and without further delay proceed to ſentence, either to diſcharge and acquit ſuch capture, or to adjudge and condemn the ſame as lawful prize, according as the caſe ſhall appear to him or them, upon peruſal of ſuch preparatory examinations, and alſo of the writings found taken in or with ſuch capture (if any ſuch writing ſhall be found) and in caſe ſuch claim ſhall be duly entred or made, and ſecurity given thereupon, according to the tenor and true meaning of this act, and there ſhall appear no occaſion to examine any witneſſes, other than what ſhall be then near to ſuch court of admiralty, that then ſuch judge or judges ſhall forthwith cauſe ſuch witneſſes to be examined and (within the ſpace of ten days after ſuch claim made, and ſecurity given) proceed to ſuch ſentence, as aforeſaid, touching ſuch capture; but in caſe upon making or entring ſuch claim, and the allegation and oath thereupon, or the producing ſuch writings as ſhall have been found taken in, or with ſuch capture, or upon the ſaid preparatory examinations, it ſhall appear doubtful to the judge or judges of ſuch court of admiralty, whether ſuch capture be lawful prize or not, and it ſhall appear neceſſary according to the circumſtances of the caſe, for the clearing and determining ſuch doubt, to have an examination of witneſſes that are remote from ſuch court of admiralty, and ſuch examination ſhall be deſired, and that it be ſtill inſiſted on, on the captors part, that the ſaid capture is lawful prize, and that the contrary be ſtill perſiſted in, on the claimants behalf, that then the ſaid judge or judges ſhall forthwith cauſe ſuch capture to be apprized by perſons named on the part of the captor, and ſworn truly to appraiſe the ſame according to the beſt of their ſkill and knowledge, and ſhall after ſuch appraiſement made, and within the ſpace of fourteen days after the making of ſuch claim, proceed to take good and ſufficient ſecurity from the claimants, to pay to the captors the full value thereof, according to ſuch appraiſement in caſe the ſame ſhall be adjudged lawful prize, and after ſuch ſecurity duly given, the ſaid judge or judges ſhall make an interlocutory order for releaſing or delivering the ſame to ſuch claimant or claimants, or his or their agents; and the ſame ſhall be actually releaſed or delivered accordingly.

Claimants to give ſecurity for payment of captors.

Refuſing to give ſuch ſecurity, captors to give ſecurity, &c.

V. And it is further enacted by the authority aforeſaid, That if any claimant or claimants ſhall refuſe to give ſuch ſecurity, the judge or judges ſhall cauſe the captor or captors in like manner to give good and ſufficient ſecurity, to be approved of by the claimant or claimants, to pay to the ſaid claimant or claimants the full value according to the appraiſement, in caſe any ſuch capture or captures ſhall be adjudged not to be lawful prize; and the ſaid judge or judges ſhall thereupon proceed to make an interlocutory order for the releaſing and delivering of the ſame to the ſaid captor or captors, or their agents.

VI. And

VI. And it is further enacted by the authority aforeſaid, That all ſuch captures, as aforeſaid, which ſhall be brought into any of her Majeſty's colonies or plantations in *America*, ſhall, without breaking bulk, ſtay there, and be under the joint care and cuſtody of the naval officer of the port or place whereto the ſame ſhall be brought, and of the captors thereof, and their agents, until either the ſame ſhall by final ſentence have been cleared and diſcharged, or adjudged and condemned as lawful prize, or that ſuch interlocutory orders, as aforeſaid, ſhall have been made for the releaſing or delivering of the ſame; and upon the condemnation or adjudication thereof as lawful prize, ſhall (in caſe the ſame were taken by any ſuch privateer ſhip or ſhips, as aforeſaid) be immediately delivered unto the captors thereof, and their agents, to be by them diſpoſed as their goods and chattels, and (in caſe the ſame were taken by any of her Majeſty's ſhips of war) unto ſuch perſon or perſons, and to be ſo divided and diſpoſed, as her Majeſty, her heirs or ſucceſſors ſhall in that behalf direct; and that if any judge or judges, or other officer or officers to whom reſpectively it ſhall appertain, ſhall delay the doing, performing, making, or pronouncing any of the ſeveral proceedings, matters, or things for, towards, or relating to the condemning or diſcharging, releaſing or delivering of any ſuch capture in manner aforeſaid, within the reſpective times herein before limited, or as ſoon as the ſame or any of them ought to be done (according to the tenor and true meaning of this act) all and every ſuch judge and judges, and other officer and officers, ſhall for every ſuch offence forfeit the ſum of five hundred pounds; the one moiety thereof to her Majeſty, her heirs and ſucceſſors, and the other moiety thereof, with full coſts of ſuit, to ſuch perſon or perſons as ſhall inform or ſue for the ſame, in any of the courts in or for any of her Majeſty's ſaid colonies or plantations, or in any of her Majeſty's courts of record within her kingdom of *Great Britain*.

Captures brought into America, to ſtay there, until cleared or condemned, &c.

VII. And it is further enacted by the authority aforeſaid, That there ſhall not be paid unto or among all the judges and officers of ſuch court of admiralty, as aforeſaid, for, towards, or relating to the adjudging or condemning of ſuch capture, as aforeſaid, as lawful prize, above the ſum of ten pounds, in caſe ſuch prize ſhip or veſſel be under the burthen of one hundred tons, nor above the ſum of fifteen pounds, in caſe the ſame be of that or any greater burthen; and that upon payment of either of the ſaid reſpective ſums, as the caſe ſhall require, to the ſaid judge or judges, or any of them, to be by him or them diſpoſed or divided (as he or they ſhall think fit) among the officers of ſuch court, ſuch judges and officers, and every of them, ſhall be liable to all and every the ſeveral penalties hereby impoſed for neglecting or delaying to do or perform their ſeveral and reſpective duties or offices in and relating to the ſeveral proceedings aforeſaid, within the reſpective times herein for that purpoſe limited.

Fees payable to the officers of the admiralty on condemning prize ſhips.

Penalty on neglect of duty.

Party aggrieved may appeal to the Queen in council. 22 Geo. 2. c. 3.

VIII. Provided nevertheleſs, and it is hereby further enacted by the authority aforeſaid, That if any captor or captors, claimant or claimants, ſhall not reſt ſatisfied with the ſentence given in ſuch court of admiralty, it ſhall and may be lawful to the party or parties thereby aggrieved, to appeal from the ſaid court of admiralty, to her Majeſty in her privy council, ſuch appeal to be allowed in the like manner as appeals to her Majeſty are now allowed from the court of admiralty within this kingdom, ſo as the ſame be made within fourteen days after ſentence, and good ſecurity be likewiſe given by the appellant or appellants, that he or they will effectually proſecute ſuch appeal, and anſwer the condemnation, as alſo pay treble coſts as ſhall be awarded by her Majeſty in caſe the ſentence of ſuch court of admiralty be affirmed, and ſo as execution be not ſuſpended by reaſon of any ſuch appeal; any thing in this act before contained to the contrary thereof in any wiſe notwithſtanding.

No mariner ſerving on board privateer, or trading ſhip in America, or being on ſhoar there, liable to be impreſſed, unleſs deſerters.

IX. And be it further enacted by the authority aforeſaid, That no mariner or other perſon who ſhall ſerve on board, or be retained to ſerve on board any privateer, or trading ſhip or veſſel, that ſhall be imployed in any part of *America*, nor any mariner, or other perſon, being on ſhoar in any part thereof, ſhall be liable to be impreſſed or taken away, or ſhall be impreſſed or taken away by any officer or officers of or belonging to any of her Majeſty's ſhips of war, impowered by the lord high admiral, or any other perſon whatſoever, unleſs ſuch mariner ſhall have before deſerted from ſuch ſhip of war belonging to her Majeſty at any time after the fourteenth day of *February*, one thouſand ſeven hundred and ſeven, upon pain that any officer or officers ſo impreſſing or taking away, or cauſing to be impreſſed or taken away, any mariner or other perſon contrary to the tenor and true meaning of this act, ſhall forfeit to the maſter, or owner or owners of any ſuch ſhip or veſſel, twenty pounds for every man he or they ſhall ſo impreſs or take, to be recovered with full coſts of ſuit, in any court within any part of her Majeſty's dominions.

Penalty.

No privateer or trading ſhip to entertain deſerters from ſhips of war.

X. And for preventing the deſertion of any mariners or ſeamen from her Majeſty's ſhips of war, to any ſuch trading or privateer ſhip or veſſel, as aforeſaid, be it further enacted by the authority aforeſaid, That every maſter or commander of ſuch trading or privateer ſhip or veſſel, as aforeſaid, ſhall before he ſhall receive or entertain any mariner, ſeaman, or other perſon to ſerve on board ſuch privateer or trading ſhip or veſſel, endeavour (by all the ways and means that he reaſonably and conveniently may or can) to diſcover whether ſuch mariner, ſeaman, or other perſon hath deſerted from any of her Majeſty's ſhips of war: and in caſe any ſuch maſter or commander ſhall receive or entertain any mariner, ſeaman, or other perſon, on board ſuch trading ſhip or privateer, as aforeſaid, without ſuch reaſonable endeavour for ſuch diſcovery firſt had and made, or which he ſhall know, or be informed hath deſerted from any of her Majeſty's ſhips of war, ſuch maſter or commander ſhall

forfeit

forfeit to the Queen's majesty, her heirs and successors, twenty pounds for every man he shall so receive or entertain, to be recovered with costs of suit in any court within any part of her Majesty's dominions. Penalty.

XI. And for the more effectual preventing merchant ships or privateers from harbouring or entertaining any seamen who shall desert her Majesty's service, be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *April*, one thousand seven hundred and eight, every master of a merchant ship or vessel, and commander of a privateer, shall before he shall set sail from any port, deliver to the chief officer of the customs of the port from whence he shall set sail, an exact list of all the men belonging to such merchant ship or vessel, or privateer, containing their names, ages, and descriptions of their persons; upon pain that he shall forfeit ten pounds to her Majesty, her heirs and successors, for every such man he shall so receive and entertain on board, whose name shall not be inserted in such list, to be recovered with costs of suit in any court within any part of her Majesty's dominions. From 25 April, 1708. Commanders, &c. before they set sail from port to deliver a list of their men to officers of customs, &c. Penalty.

XII. And it is hereby further enacted, That such officer of the customs do return to such master or commander, an attested copy of such list so delivered unto him, and that upon the death or alteration of any seaman the said list be immediately altered and delivered in to the naval officer or chief officer of the customs in any port where such merchant ship or vessel, or privateer, shall arrive, in manner as aforesaid: all which said lists shall from time to time be produced and shewn to any of the captains or other officers of any of her Majesty's ships of war, demanding the same: and if any man or men belonging to any of her Majesty's ships of war, shall be found on board any merchant ship or vessel, or privateer, whose name shall not be contained in such list, as aforesaid, the master or commander of such vessel or privateer shall forfeit to her Majesty, her heirs and successors, the sum of twenty pounds for every such man which shall be so found on board, to be recovered in manner as aforesaid. Officer to return to master, an attested copy of such list, &c.

XIII. And for the better furnishing seamen to serve on board her Majesty's ships of war, which shall be in or about the several parts of *America*, for annoying the enemy, and protecting the trade there, it is hereby further enacted, That the master or commander of every trading ship or vessel, and every packet boat, which shall from time to time, from and after the said twenty fifth day of *April*, be outward-bound, and going for any part of *America*, shall be, and are hereby obliged (at the desire of any of her Majesty's officers thereunto lawfully authorized, and at the charges of her Majesty) to receive on board and carry to the port or place, whereto such trading ship, vessel, or packet boat shall be so bound, and deliver to such officer or person, to whom they shall be assigned, any number of mariners, seamen, or other persons actually entred into her Majesty's service and pay (over and above the complement of Trading ships and packet boats to America, to carry with them mariners for the Queen's ships there, &c.

mariners or ſeamen, which ſuch trading ſhip, veſſel, or packet boat uſually carries, or which ſhall be ſufficient for navigating the ſame for ſuch intended voyage, not exceeding the proportion of a fifth part of the number of ſuch uſual or ſufficient complement of mariners, or ſeamen) upon pain of forfeiting twenty pounds for every ſuch ſeaman or mariner, that he or they ſhall refuſe to take on board and carry, to be paid and recovered, as aforeſaid.

On penalty.

Queen (during war) may grant commiſſions, &c. to take or deſtroy enemies ſhips, goods, &c. in any parts of America, &c.

XIV. And for the more effectual annoying her Majeſty's ſaid enemies, and abating their power and wealth in the parts of *America*, by numbers of private ſhips of war to be equipped and ſet out in a warlike manner by and at the charge of her Majeſty's ſubjects, and encouraging her Majeſty's ſubjects to engage in joint and united as well as ſeparate expences, expeditions, and adventures for thoſe purpoſes; be it further enacted by the authority aforeſaid, That her Majeſty be, and ſhe, her heirs and ſucceſſors are hereby impowered from time to time, during the continuance of the preſent war, to grant or make any charter, commiſſion, or grant, charters, commiſſions, or grants, for the better or more effectual enabling any ſociety or ſocieties, or particular perſons, to join in any expeditions or adventures by ſea or land, for the attacking, ſurpriſing, taking, or deſtroying any ſhips, goods, moveables and immoveables, ſettlements, factories, creeks, harbours, places of ſtrength, lands, forts, caſtles, and fortifications, now or hereafter of or belonging to or poſſeſſed by any of her Majeſty's enemies, in any part or parts of *America*, and for the better making and carrying on any preparations for ſuch purpoſe and purpoſes, and for the making and aſſuring to the ſocieties and perſons which may be concerned, their heirs, ſucceſſors, executors, adminiſtrators, and aſſigns, full and undoubted properties, rights, and titles of, in and to, and the full enjoyment of all and every the ſhips, ammunition, ſtores of war, goods, chattels, moveables and immoveables, ſettlements, factories, places of ſtrength or ſecurity, lands, forts, caſtles, and fortifications, now or hereafter of or belonging to, or poſſeſſed by any of her Majeſty's enemies in any of the parts of *America*, which ſuch ſociety or perſons ſhall take or cauſe to be taken from any of her Majeſty's enemies during this preſent war, together with all the proceed, profits, and advantages, which may accrue of or by the ſame, or any of them, with and under ſuch regulations, and in ſuch manner and form, as her Majeſty, her heirs and ſucceſſors, ſhall think fit, and at any time or times afterwards (although the preſent war ſhould be then ended) by any further grants or charters to confirm, corroborate, and further aſſure the premiſſes, and every or any of them to the ſaid ſocieties, and perſons concerned, their and every of their ſucceſſors, heirs, executors, adminiſtrators, and aſſigns, ſo as to enable them, and every of them, to have, hold, and enjoy the full benefit thereof, according to the true intent and meaning of this act.

And aſſure to them what ſhips, &c. they ſhall ſo take, &c.

XV. Pro-

XV. Provided always, That nothing ſhall be contained in any charter, commiſſion or grant, made in purſuance of this act, to exclude or reſtrain any of her Majeſty's ſubjects from having a full and free trade to and in any part of *America*. Queen's ſubjects to enjoy a free trade to America.

XVI. Provided nevertheleſs, and it is hereby declared to be the true intent and meaning of this act, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful to any commander of any of her Majeſty's ſhips of war, privateer or merchant ſhip having letters of marque, to attack, ſurprize, ſeize, take, deſtroy, or offer any violence, ſpoil, or moleſtation whatſoever between *Rio la Hacha*, and the river *Chagre* on the *Spaniſh* coaſt in *America*, or within five leagues at ſea of any part of that ſhore, to any ſloop, barcolongo, canoa, or other boat, goods, or merchandizes belonging to any of the ſubjects of *Spain*, who ſhall be concerned in any intercourſe of trade with any of her Majeſty's ſubjects, or to any ſloop, barcolongo, canoa, or other boat, goods, or merchandizes belonging to any of her Majeſty's ſubjects which ſhall be found going to, or coming from any port or place within the limits aforeſaid. No ſhip to moleſt the ſubjects of Spain, in their trade, &c. between *Rio la Hacha* and the river *Chagre*.

XVII. *And whereas by an act of parliament made in the third and fourth years of her Majeſty's reign, intituled*, An act for prohibiting all trade and commerce with *France, it is, amongſt other things, enacted, That the ſeveral contraband goods or merchandizes therein particulary enumerated, ſhall not be carried by any of her Majeſty's ſubjects to any port or place belonging to the crown of* Spain, *nor any trade whatſoever be permitted or allowed with the ſubjects of* Spain, *for the ſaid contraband goods or merchandizes; and foraſmuch as ſome doubts may ariſe concerning the extent of that clauſe*, be it therefore hereby further declared and enacted by the authority aforeſaid, That the ſame ſhall not extend or be conſtrued to reſtrain any of her Majeſty's ſubjects from carrying any of the ſaid contraband goods or merchandizes to any port or place within the limits aforeſaid, but it ſhall and may be lawful to and for any of her Majeſty's ſubjects to trade with the ſubjects of *Spain*, for the ſaid contraband goods and merchandizes, or any of them, within the limits aforeſaid; any thing in this, or in the ſaid laſt recited act, or in any former act, to the contrary hereof in any wiſe notwithſtanding. 4 & 5 Ann. c. 13.

XVIII. *And whereas good and neceſſary laws have been made, and are ſtill in force within ſeveral of her ſaid Majeſty's colonies or plantations in* America, *for the preventing and carrying off from the ſaid colonies or plantations, any ſervant or ſlave, without the conſent of the owner, or the carrying off from thence any other perſon whatſoever, until ſuch perſon ſhall have taken out his ticket from the ſecretary's office within ſuch reſpective colony or plantation, in ſuch manner, and under ſuch penalties and forfeitures, as in and by the ſaid ſeveral laws is declared and provided*; be it therefore further enacted by the authority aforeſaid, That all commanders of private ſhips of war, or merchant ſhips having letters of marque, ſhall, upon their going into any of thoſe ports or harbours, be ſubject, and they are hereby determined to be ſubject to the ſeveral Commanders of privateers, &c. to be ſubject to the laws in relation to ſlaves.

veral directions, proviſions, penalties, and forfeitures, in and by ſuch laws made and provided; any thing in this act contained to the contrary hereof in any wiſe notwithſtanding.

During war, privateers or trading ſhips may be navigated by foreign ſeamen. So as one fourth be Britiſh.

XIX. And for the better ſupply of mariners and ſeamen to ſerve in her Majeſty's ſhips of war and on board privateers, merchant ſhips, and trading veſſels, and for the better carrying on the preſent war, and the trade of *Great Britain*, during the continuance thereof; be it further enacted by the authority aforeſaid, That during the continuance of this preſent war, and no longer, it ſhall and may be lawful for any privateer or merchant, or trading ſhip or veſſel, to be navigated by foreign ſeamen or mariners, not being natives of *Great Britain*, or of any of the colonies or plantations thereto belonging, or her Majeſty's natural, or naturalized ſubjects, ſo as the number of ſuch foreign ſeamen or mariners do not exceed three fourths of the mariners at any one time employed to navigate ſuch privateer or merchant or trading ſhip or veſſel, and that one fourth at leaſt of the mariners or ſeamen ſo employed, be at all times natives, or her Majeſty's naturalized ſubjects of *Great Britain* (ſudden death, and the hazard and caſualties of war and the ſeas ſaved and excepted) one act of parliament made in the twelfth year of the reign of his late majeſty King *Charles* the Second, intituled, *An act for the encouraging and encreaſing of ſhipping and navigation*, or any other ſtatute or law to the contrary notwithſtanding.

12 Car. 2. c. 18.

Foreign ſeamen ſerving 2 years on board any Britiſh ſhips to be deemed natural-born ſubjects.

XX. And for the better encouraging of foreign mariners and ſeamen to come and ſerve on board ſhips belonging to the kingdom of *Great Britain*; be it further enacted by the authority aforeſaid, That every ſuch foreign mariner or ſeaman who ſhall from and after the ſaid twenty fifth day of *April*, have faithfully ſerved on board any of her Majeſty's ſhips of war, or any privateer or merchant, or trading ſhip or ſhips, veſſel or veſſels, which at the time of ſuch ſervice ſhall belong to any of her Majeſty's ſubjects of *Great Britain*, for the ſpace of two years, ſhall, to all intents and purpoſes, be deemed and taken to be a natural-born ſubject of her Majeſty's kingdom of *Great Britain*, and have and enjoy all the privileges, powers, rights, and capacities which ſuch foreign mariner or ſeamen could, ſhould, or ought to have had and enjoyed, in caſe he had been a natural-born ſubject of her Majeſty's, and actually a native within the kingdom of *Great Britain*.

Queen may licenſe 20 ſhips bought in foreign parts to be uſed for privateers.

XXI. And for the more expeditious providing of ſhips and veſſels to be equipped and uſed as and for privateers for the ſpeedy annoying her Majeſty's enemies, and putting in execution the purpoſes by this act intended, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for her Majeſty, her heirs and ſucceſſors, to grant to any perſon or perſons who ſhall be actually engaged in any adventure, in purſuance of this act, a licence to buy or procure in any foreign parts, any ſhip or ſhips (firſt giving ſecurity to her Majeſty, that ſuch ſhip and ſhips ſhall be employed in ſuch adventures) ſo as the whole number

number of foreign ſhips ſo to be bought and licenſed, ſhall not exceed the number of twenty; and that ſuch ſhips which ſhall be ſo bought by licenſe of her Majeſty, as aforeſaid (having been equipped, ſet out, and employed as privateers, during the continuance of the preſent war) ſhall (after the ſame war ended) be to all intents and purpoſes deemed and taken as ſhips of *Britiſh* built, and have all the privileges of ſhips built in any part of *Great Britain*, and be capable of being uſed and employed accordingly; the ſaid act made in the ſaid twelfth year of the reign of his late majeſty King *Charles* the Second, intituled, *An act for the increaſe and encouragement of ſhipping and navigation*, or any other ſtatute or law to the contrary notwithſtanding.

And at the end of the war be deemed Britiſh ſhips. 12 Car. 2. c. 18.

XXII. Provided always, and be it further enacted and declared, That it ſhall and may be lawful to and for all her Majeſty's ſubjects of this kingdom, to trade into any part of *America*, to which they might lawfully have traded before the making of this act, and not otherwiſe.

Queen's ſubjects may trade to any part of America.

XXIII. Provided always, That nothing in this act ſhall any ways extend, or be conſtrued to take away or prejudice any of the eſtate, rights, or privileges of or belonging to the governor and company of adventurers of *England* trading into *Hudſon's Bay*.

Act not to prejudice the Hudſon's Bay company.

Anno Regni ANNÆ *Reginæ ſeptimo.*

AT *the parliament ſummoned to be held at* Weſtminſter *the eighth day of* July, Anno Dom. 1708. *in the ſeventh year of the reign of our ſovereign lady* Anne, *by the grace of God, of* Great Britain, France, *and* Ireland, *Queen, defender of the faith*, &c. *and by ſeveral writs of prorogation begun and holden on the ſixteenth day of* November, 1708.[a] *being the firſt ſeſſion of this preſent parliament.*

[a] *In the record it is added*, and farther continued by ſeveral adjournments till the twenty firſt day of April, in the eighth year of her Majeſty's reign.

CAP. I.

An act for granting an aid to her Majeſty, to be raiſed by a land tax in Great Britain, for the ſervice of the year one thouſand ſeven hundred and nine. 4 s. in the pound. EXP.

CAP. II.

An act for the ſpeedy and effectual recruiting her Majeſty's land forces and marines, for the ſervice of the year one thouſand ſeven hundred and nine. EXP.

CAP. III.

An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and nine.

XIII. AND

Inferior officers commiſſions not vacated by the late King's demiſe.

XIII. AND *whereas ſeveral doubts have been made, and diſputes have ariſen and may ariſe, whether on the death or demiſe of his late majeſty King* William *the Third (of glorious memory) the commiſſions granted to the collectors, ſupervisors, gagers, or other inferior officers of the exciſe, before his ſaid late Majeſty's demiſe, ſhall have continuance longer than ſix months after the death or demiſe of his ſaid late Majeſty:* for ſettling whereof, be it declared by the authority aforeſaid, That no commiſſion to any ſub commiſſioner, collector, ſupervisor, gager, or other inferior officer, that hath been conſtituted in purſuance of any commiſſion under the great ſeal of *England*, by the chief commiſſioners and governors of and for the receipt of the exciſe, ſhall be determined, or made void by reaſon of the death or demiſe of his ſaid late Majeſty; but that every ſuch commiſſion doth remain in full force and virtue, until the authority and conſtitution of ſuch officer were or ſhall be revoked or annulled by the chief commiſſioners of the exciſe for the time being.

Purchaſers of annuities on 6 Ann. may have their quarterly payments due between Chriſtmas, 1708. and 30 Sept. 1710. advanced, allowing diſcount at 4l. per cent.

CAP. IV.

EXP. An act for puniſhing mutiny and deſertion, and falſe muſters, and for the better payment of the army and quarters.

CAP. V.

An act for naturalizing foreign proteſtants.

WHEREAS *the increaſe of people is a means of advancing the wealth and ſtrength of a nation; and whereas many ſtrangers of the proteſtant or reformed religion, out of a due conſideration of the happy conſtitution of the government of this realm, would be induced to tranſport themſelves and their eſtates into this kingdom, if they might be made partakers of the advantages and privileges which the natural-born ſubjects thereof do enjoy*; be it enacted, *&c.*

All perſons taking the oaths, and making and ſubſcribing the declaration appointed by 6 *Annæ*, c. 23. ſhall be deemed natural-born ſubjects. No perſon to have the benefit of this act, unleſs he have received the ſacrament, &c. —— *Repealed by* 10 *Annæ, c.* 5. *Except what relates to the children of her Majeſty's natural-born ſubjects, born out of her Majeſty's allegiance. Vide* 1 *Geo.* 1. *ſtat.* 2. *c.* 29.

Children of natural-born ſubjects born abroad, to be deemed natural-born ſubjects; *explained by* 4 Geo. 2. c. 21.

III. And be it further enacted by the authority aforeſaid, That the children of all natural-born ſubjects, born out of the ligeance of her Majeſty, her heirs and ſucceſſors, ſhall be deemed, adjudged, and taken to be natural-born ſubjects of this kingdom, to all intents, conſtructions, and purpoſes whatſoever.

This act to extend to Ireland.

IV. And be it further enacted by the authority aforeſaid, That all perſons born out of the ligeance of her Majeſty, her heirs or ſucceſſors, who ſhall qualify themſelves in the courts of *Chancery*, *Queen's Bench*, *Common Pleas*, or *Exchequer*, within the kingdom of *Ireland*, or at ſome general quarter ſeſſions of the peace, to be held for the county where he or they do or ſhall inhabit, reſide, or ſettle within the ſaid kingdom, in like manner

ner as perſons are by this act required to do within the kingdom of *Great Britain*, all and every ſuch perſons ſhall be deemed, adjudged, and taken to be her Majeſty's natural-born ſubjects of the ſaid kingdom of *Ireland*, to all intents, conſtructions, and purpoſes, as if they, and every of them, had been, or were born within the ſaid kingdom of *Ireland*.

CAP. VI.

An act for explaining and making more effectual that part of an act paſſed in the fifth year of her preſent Majeſty's reign, concerning the buying and ſelling of cattle in Smithfield, *and for giving leave for bringing up calves dead to* London *as formerly.*

WHEREAS *by an act paſſed in the fifth year of her preſent Majeſty's reign, intituled,* An act for the continuing the laws therein mentioned relating to the poor, and to the buying and ſelling of cattle in *Smithfield*, and for ſuppreſſing piracy, *it is, amongſt other things, enacted, That from and after the nine and twentieth day of* September, *one thouſand ſeven hundred and ſeven, no perſon uſing the trade of a butcher, ſhould ſell or offer to ſale, in any market, or elſewhere, either by himſelf, or any ſervant or agent whatſoever, within the cities of* London *or* Weſtminſter, *or within ten miles thereof, to any perſon or perſons exerciſing or uſing the trade of a butcher, any fat cattle or ſheep, either alive or dead, upon pain to forfeit the value of the cattle, or of each ſheep ſo ſold or offered to ſale, as aforeſaid: and whereas ſome doubts have ariſen concerning the extent of that clauſe*; therefore for the avoiding of any diſpute or queſtion that may ariſe concerning the conſtruction thereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That the ſaid clauſe, or any thing therein contained, ſhall not be taken or conſtrued to extend to the ſelling of calves, ſheep, or lambs dead by one butcher to another, but that it ſhall and may be lawful to and for any perſon, uſing the trade of a butcher, to ſell or offer to ſale in any ſhop, ſtall, or market in *London*, or elſewhere, either by himſelf or any ſervant or agent whatſoever, within the places in the ſaid act mentioned, calves, ſheep, or lambs dead, in ſuch manner as they might have done before the making of the ſaid act; any thing in the ſaid act, or any other law or ſtatute to the contrary notwithſtanding.

5 Ann. c. 34.

One butcher may ſell to another any dead calves, ſheep, or lambs.

CAP. VII.

An act for enlarging the capital ſtock of the bank of England, *and for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and nine.*

MAY *it pleaſe your moſt excellent Majeſty, whereas by or in purſuance of an act of parliament made in the fifth year of the*

For application of duties ariſing by this act.

See 12 Ann. ſt. 1. c. 11. ſ. 5. 5 W. & M. c. 20. *the reign of their late majeſties King* William *and Queen* Mary, *of glorious memory, intituled,* An act for granting to their Majeſties ſeveral rates and duties upon tonnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards carrying on the war againſt *France, the corporation or body politick of the governor and company of the bank of* England *was erected and eſtabliſhed with ſuch capacities,* 3 Geo. 1. c. 8. *powers, privileges, benefits, and advantages, and ſubject to ſuch reſtrictions, and in ſuch manner and form as are therein mentioned; and in purſuance of the ſame act the ſum of one million two hundred thouſand pounds was advanced and lent to their ſaid late Majeſties, for which there is now payable to the ſaid governor and company, and their ſucceſſors, the yearly ſum of one hundred thouſand pounds out of certain rates and duties of exciſe, which were thereby granted to their ſaid late Majeſties, their heirs and ſucceſſors; in which act it was provided, That at any time upon twelve months notice, after the firſt day of* Auguſt, *in the year of our Lord one thouſand ſeven hundred and five, upon repayment by parliament of the ſaid ſum of one million two hundred thouſand pounds, and of all the arrears of the ſaid yearly ſum of one hundred thouſand pounds, then the ſaid one hundred thouſand pounds* per annum, *and the ſaid corporation, ſhould abſolutely ceaſe and determine: and whereas by another act made in the eighth year of the reign of his ſaid late majeſty* 8 & 9 W. 3. c. 20. *King* William *the Third, intituled,* An act for making good the deficiencies of ſeveral funds therein mentioned, and for enlarging the capital ſtock of the bank of *England,* and for raiſing the publick credit, *the ſaid corporation was enlarged and eſtabliſhed with divers other powers, privileges, benefits, and advantages, and ſubject to ſuch other reſtrictions and rules as are therein particularly expreſſed; in which act laſt-mentioned it was provided and enacted, That at any time upon twelve months notice, after the firſt day of* Auguſt, *which ſhould be in the year of our Lord one thouſand ſeven hundred and ten, and not before, and upon repayment by parliament of the ſaid ſum of one million two hundred thouſand pounds, and of all arrears of the ſaid one hundred thouſand pounds* per annum, *and alſo upon payment of all the principal and intereſt monies which ſhould be owing to the ſaid governor and company of the bank of* England, *upon all ſuch tallies, Exchequer orders, or parliamentary funds, which the ſaid governor and company ſhould have remaining in their hands, or be entitled to at the time of ſuch notice to be given, as aforeſaid, then, and in ſuch caſe, and not till then, the ſaid one hundred thouſand pounds* per annum, *and alſo the ſaid corporation, ſhould ceaſe and determine: and whereas by an act made in the fifth year of your* 5 Anne, c. 15. *Majeſty's reign (intituled,* An act for continuing the duties upon houſes, to ſecure a yearly fund for circulating Exchequer bills, whereby a ſum not exceeding fifteen hundred thouſand pounds is intended to be raiſed for carrying on the war, and other her Majeſty's occaſions) *ſeveral duties upon houſes therein mentioned or referred unto, are continued from the laſt day of* July, *one thouſand ſeven*

ſeven hundred and ten, and from thenceforth made payable to your Majeſty, your heirs and ſucceſſors for ever, for the purpoſes in that act expreſſed, ſubject to the proviſo or condition of redemption therein contained; and the duties ſo continued, together with ſuch remainder and arrears of houſe money, as are therein mentioned, are thereby charged with the yearly ſund, after the rate of four pounds ten ſhillings per centum per annum, *to be paid to the ſaid governor and company of the bank of* England, *for circulating all ſuch Exchequer bills as ſhould be iſſued by or in purſuance of that act; and by the ſame act a power was given for making forth Exchequer bills for any ſum not exceeding fifteen hundred thouſand pounds for your Majeſty's ſupply; and it was thereby enacted, that like bills ſhould be made out quarterly for ſo much as ſhould be computed to be due and owing upon and for the ſaid allowance of four pounds ten ſhillings* per centum per annum, *until the feaſt of St.* Michael *the archangel, one thouſand ſeven hundred and ten inclusively, in the manner therein mentioned; and it was thereby enacted, that the ſaid governor and company, after the ſaid Exchequer bills, or any of them, ſhould be iſſued upon that act, as aforeſaid, ſhould, from time to time, exchange all ſuch Exchequer bills as they ſhould be required to exchange by any perſon or perſons whatſoever for ready money; and that the ſaid governor and company, and their ſucceſſors, ſhould continue and remain a corporation until all the ſaid Exchequer bills ſhould be redeemed and cancelled in the manner in that act mentioned; and in the ſame act there is contained a proviſo, that at any time, upon one year's notice and payment of the principal money to be due on the ſaid Exchequer bills, and of ſo much as ſhould be due for the ſaid allowance, after the rate of four pounds ten ſhillings* per centum per annum, *for circulating the ſaid Exchequer bills, then, and not till then, the ſaid Exchequer bills ſhould be cancelled and diſcharged, and the ſaid allowance after the rate of four pounds ten ſhillings* per centum per annum, *ſhould ceaſe and determine; and ſo much of the ſaid duties on houſes as ſhould have been applied for the payment of the ſaid four pounds ten ſhillings* per centum per annum, *in caſe the ſame had continued, ſhall from thenceforth be underſtood to be redeemed by parliament, and ſhould not be iſſued, paid, or applied to any uſe or purpoſe whatſoever but by authority of parliament; and it is alſo thereby enacted, that the ſaid governor and company might call in from their reſpective members proportionably, any ſums of money as they ſhould think neceſſary for the ſaid circulation; and that until all the Exchequer bills by that act directed to be iſſued, ſhould be paid off, diſcharged, and cancelled, no more or other bills of the like nature ſhould be made out and iſſued at the receipt of her Majeſty's Exchequer, either with or without the authority of parliament, unleſs with the conſent of the ſaid governor and company; and that nothing in that act contained ſhould hinder the redemption of the ſaid original fund of one hundred thouſand pounds* per annum, *or of any other funds granted or to be granted by parliament, upon which the ſaid governor and company had or ſhould have lent any monies, and which were redeemable by parliament, but that the ſame might be redeemed from the ſaid governor and company, according to former acts for that pur-*

purpose, without redeeming the said four pounds ten shillings per centum per annum, nevertheless, without determining or dissolving the corporation of the said governor and company, until the said four pounds ten shillings per centum per annum, should be redeemed from them; as by the said several acts, relation being thereunto respectively had, more at large may appear: and whereas the said governor and company, for the better enabling themselves to supply the publick exigencies, did lately consent to admit new subscriptions for doubling their then present stock of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, at the rate of one hundred and fifteen pounds to be paid for every one hundred pounds subscribed; and upon a commission granted by your Majesty, under the great seal of Great Britain, bearing date the sixteenth day of February, in the seventh year of your reign, to Sir Thomas Abney, and others directed, grounded upon an address of the commons of Great Britain in parliament assembled, several persons have subscribed several sums, amounting to two millions two hundred and one thousand one hundred seventy one pounds ten shillings, for doubling the said stock, as aforesaid, and have paid down to the said governor and company, at or before their respective subscriptions, one fifth part of the sums by them respectively subscribed, and are to pay the remaining four fifth parts thereof, together with fifteen pounds per centum more (being in all one hundred and fifteen pounds for every one hundred pounds subscribed) in manner hereafter mentioned; all which subscriptions are contained in books of vellum or parchment for that purpose, attested by three or more of the said commissioners, and now remaining in the custody of the governor and company of the bank of England, whereof there are two duplicates made in vellum or parchment, attested by seven or more of the said commissioners, and one of the said duplicates is delivered into the office of the auditor of the receipt, and the other of them into the office of the clerk of the pells in your Majesty's Exchequer, there to remain for ever: now for the better pursuing the ends and intent of the said subscribers in making such subscriptions and payment, as aforesaid, it is hereby enacted, at the humble suit of the said governor and company of the bank of England, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the several sums subscribed or written in the said books, amounting to the said sum of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, shall be added and united, and be judged and deemed to be added and united to the stock of the said governor and company, which before such addition consisted of the like sum of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, as aforesaid, so that the capital stock of the said governor and company so increased, shall be and amount, and be deemed to amount in the whole to the sum of four millions four hundred and two thousand three hundred forty three pounds; and that all and every the person and persons,

New subscriptions for doubling the present stock of the bank.

New subscriptions to be added to the capital stock of the bank.

Total stock 4,402,343l.

ons, natives and foreigners, who have ſubſcribed or written any um or ſums of money, or for whom any ſum or ſums of mo- ey have been ſubſcribed or written in the ſaid books of ſub- cription, for or towards the making up the ſaid ſum of two nillions two hundred and one thouſand one hundred ſeventy ne pounds ten ſhillings, therein compleatly ſubſcribed, and who have paid to the ſaid governor and company one fifth art of each ſubſcribed ſum, as aforeſaid, and the executors, dminiſtrators, and aſſigns of ſuch perſon and perſons reſpective- y, ſhall be, and be deemed and reputed to be members of, u- ited to, and incorporated with the ſaid governor and company f the bank of *England*, and ſhall at all times, together with he other members of the ſaid corporation and body politick, nd their ſucceſſors reſpectively, be, and be adjudged, conſtrued, eputed, accepted, and taken to be one body politick and cor- orate, by the name of *The governor and company of the bank f* England. New ſubſcribers incorporated with the preſent members of the bank.

II. And it is hereby enacted by the authority aforeſaid, That he capital ſtock of the ſaid governor and company, now a- nounting, as aforeſaid, to four millions four hundred and two houſand three hundred forty three pounds, ſhall be aſſignable nd transferrable in the ſame manner as the original capital ſtock f the ſaid governor and company was aſſignable and transferra- le before the making of this act. Stock aſſignable.

III. *And whereas the ſaid governor and company of the bank of* England *ſo enlarged or conſtituted, being the better enabled by ſuch ew ſubſcriptions and payments thereupon, as aforeſaid, to ſerve the ublick, are willing to advance and lend to her Majeſty a further ſum n the ſaid yearly fund of one hundred thouſand pounds, upon ſuch erms, conditions, and advantages as are hereafter in this act expreſſ- d in relation thereunto, and are willing to accept an annuity after he rate of ſix pounds* per centum per annum, *out of the ſaid du- ies on houſes, for all the ſaid Exchequer bills that have been made ut, or are to be made out, in purſuance of the laſt recited act, and* 5 Ann. c. 13. *o deliver up the ſaid bills as faſt as they can get them into their uſtody, to be cancelled, upon ſuch terms, conditions, and advantages s are alſo hereafter in this act expreſſed, in relation to ſuch annuity o be ſettled, and ſuch bills to be cancelled, as aforeſaid; and are alſo willing to undertake a circulation, (in the manner and form herein fter mentioned) of two millions five hundred thouſand pounds in o- her Exchequer bills to be iſſued for the uſe of the war, and other our Majeſty's occaſions, upon ſuch terms, conditions, and advantages s are likewiſe hereafter in this act expreſſed in relation thereunto; nd are likewiſe willing upon the like terms, conditions, and advantag- s to undertake the circulation of ſuch Exchequer bills as ſhall be made ut quarterly, as well to diſcharge the allowance of three pounds* per entum per annum *which ſhall be due to the ſaid governor and mpany for circulating the Exchequer bills to be iſſued, in purſuance f this act, from the time ſuch bills ſhall begin to be iſſued, as alſo to iſcharge, or raiſe money to diſcharge the intereſt of two pence* per lem *for every one hundred pounds to be born upon the ſaid bills,*

until the funds, which by this act are ſettled and intended to diſcharge the ſaid allowances for circulation and intereſt, ſhall take effect, &c. be ſufficient for thoſe purpoſes: now we your Majeſty's moſt dutiful and loyal ſubjects the commons of *Great Britain* in parliament aſſembled, being deſirous, not only to raiſe the neceſſary ſupplies with as much eaſe to your Majeſty's ſubjects as is poſſible, for the carrying on and finiſhing the preſent war with ſucceſs, but alſo to uſe ſuch ways and means in the doing thereof, as that your Majeſty may have the better and more ſpeedy effect of the ſaid ſupplies, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the authority aforeſaid,

Bank to advance 400000l. into the Exchequer, &c.

That the ſaid governor and company of the bank of *England* ſo enlarged or conſtituted, as aforeſaid, and their ſucceſſors, ſhall advance and pay into the receipt of her Majeſty's Exchequer, for her Majeſty's uſe, the full ſum of four hundred thouſand pounds, or ſo much thereof as ſhall remain after deduction of ſuch diſcount as is hereafter in this act allowed to be made out of the ſame, ſuch payment to be made by ſuch proportions, and at ſuch times, as are herein after appointed for payment thereof; that is to ſay, one third part thereof on or before the tenth day of *May*, one thouſand ſeven hundred and nine, one other third part thereof on or before the eight and twentieth day of *June*, one thouſand ſeven hundred and nine, and the reſidue thereof on or before the five and twentieth day of *Auguſt*, one thouſand ſeven hundred and nine.

Times of payment.

Bank to have a diſcount of 6 per cent. &c. till 1 Auguſt, 1711.

IV. Provided always, and it is hereby declared and enacted by the authority aforeſaid, That out of the ſaid ſum of four hundred thouſand pounds, the ſaid governor and company ſhall have and receive back, or ſhall and may retain and keep to their own uſe, by way of diſcount, ſo much as the rate of ſix pounds *per centum per annum*, for each ſum of money which ſhall be actually advanced and paid for or upon account of the ſaid ſum of four hundred thouſand pounds, ſhall amount unto, from the day of the actual payment thereof, until the firſt day of *Auguſt*, one thouſand ſeven hundred and eleven: and in caſe the ſaid governor and company of the bank of *England* ſhall make failure in any of the ſaid payments, ſo by this act appointed to be made into her Majeſty's Exchequer, as aforeſaid, at or before the reſpective days or times before limited in that behalf, the money whereof ſuch failure in payment ſhall be made, ſhall and may be recovered to her Majeſty's uſe, by action of debt, or upon the caſe, bill, ſuit, or information, in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be allowed, or any more than one imparlance; in which action, bill, ſuit, or information, it ſhall be lawful to declare, That the ſaid governor and company of the bank of *England*, are indebted to her Majeſty the monies of which they ſhall have made default in payment, according to the form of this ſtatute, and have not paid the ſame, which ſhall be ſufficient; and in or upon ſuch action, bill, ſuit, or information, there ſhall be further recovered

On nonpayment may be ſued,

to

to her Majeſty's uſe, againſt the ſaid governor and company of the bank of *England*, damages after the rate of twelve pounds *per centum*, for the monies ſo unpaid contrary to this act, beſides full coſts of ſuit; and the ſaid governor and company of the bank of *England*, and their ſucceſſors, and their ſaid ſtock and funds, ſhall be and are hereby made ſubject and liable thereunto. and pay damages at the rate of 12l. per cent.

V. And for the encouragement of the ſaid governor and company of the bank of *England*, to advance and pay the ſaid ſum of four hundred thouſand pounds, with ſuch diſcount out of the ſame, as aforeſaid, and to perform the other ſervices in this act mentioned, and to the end the ſaid governor and company, and their ſucceſſors, may have a competent recompence and conſideration for ſo doing, it is hereby declared and enacted by the authority aforeſaid, That the ſaid ſeveral and reſpective proviſoes or conditions contained in the ſaid recited act of the fifth year of the reign of their ſaid late majeſties King *William* and Queen *Mary*, and in the ſaid act of the eighth year of the reign of his ſaid late majeſty King *William*, and each of them, for determining the ſaid fund of one hundred thouſand pounds *per annum*, and the ſaid corporation of the governor and company of the bank of *England*, upon the reſpective notices and payments in the ſame reſpective acts mentioned, ſhall be, and are hereby repealed and made void; and that the ſaid governor and company of the bank of *England*, ſo enlarged as aforeſaid, and their ſucceſſors, for ever, ſhall remain, continue, and be one body corporate and politick, by the name aforeſaid, and ſhall for ever have, receive, and enjoy the ſaid entire yearly fund of one hundred thouſand pounds out of the ſaid rates and duties of exciſe, together with a perpetual ſucceſſion, and all abilities, capacities, powers, authorities, franchiſes, exemptions, privileges, profits, and advantages whatſoever whereunto the governor and company of the bank of *England* are, or before the making of this act, were entitled by the ſaid act of the fifth year of the reign of their ſaid late majeſties King *William* and Queen *Mary*, and by the ſaid act of the eighth year of the reign of his ſaid late majeſty King *William*, or either of them, or by any other act or acts of parliament, grants, or charters whatſoever now in force; all which are by this act ratified and confirmed to the ſaid governor and company ſo enlarged, and their ſucceſſors the ſaid allowance after the rate of four pounds ten ſhillings *per centum per annum*, for circulating of Exchequer bills, and the powers only concerning ſuch circulation, given by the ſaid act of the fifth year of her now Majeſty's reign, excepted) freed and diſcharged of and from the ſaid proviſoes and conditions of redemption hereby repealed, or intended to be repealed, as aforeſaid, and all other proviſoes, powers, acts, matters, and things whatſoever heretofore had, made, done, or committed, for reviving, determining, or making void the ſaid corporation or yearly fund of one hundred thouſand pounds, and the ſaid abilities, capacities, powers, authorities, franchiſes, exemptions, pri-

Proviſoes in 5 W. & M. c. 20. and 8 W. 3. c. 20. for determining the yearly fund and corporation, repealed.

Privileges of the bank confirmed.

5 W. & M. c. 20.

8 & 9 W. 3. c. 20.

privileges, profits, and advantages, or any of them; subject nevertheless to such restrictions, rules, and directions, and also to such other agreements, matters, and things, as in the said acts and charters, or any of them now in force, are contained or prescribed; and also subject to the power and condition of redemption hereafter in this act contained in this behalf.

On 12 months notice after 1 Aug. 1732. and on repayment, &c. yearly fund to cease.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That at any time upon twelve months notice, after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and thirty two, and not before, and upon repayment by parliament to the said governor and company of the bank of *England*, or their successors, as well of the said sum of one million two hundred thousand pounds formerly advanced, as of the sum of four hundred thousand pounds before-mentioned, amounting in the whole to the sum of sixteen hundred thousand pounds, without any deduction, discount, or abatement whatsoever, to be made out of the said sum of sixteen hundred thousand pounds, or any part thereof; and upon payment to the said governor and company, and their successors, of all arrears of the said one hundred thousand pounds *per annum*, and all the principal and interest money, which shall be owing unto them upon all such tallies, Exchequer orders, or parliamentary funds, which the said governor and company, or their successors, shall have remaining in their hands, or be entitled to at the time of such notice to be given, as aforesaid, (such funds for redemption whereof other provision is afterwards made, in and by this act, only excepted) then and in such case, and not till then, the said yearly fund of one hundred thousand pounds shall cease and determine.

Repealed by 12 Ann. stat. 2. c. 11. s. 23. *and farther provisions relating hereto,*

VII. And be it further enacted by the authority aforesaid, That from and after such repayment by parliament, of the said sixteen hundred thousand pounds, and payment of all arrears of the said one hundred thousand pounds *per annum*, and of all the principal and interest on such tallies, Exchequer orders, and parliamentary funds aforesaid, shall be made to the governor and company of the bank of *England*, and also redemption shall be made by parliament of the annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, hereafter in this act settled and made payable to the said governor and company, and their successors, in manner and form herein after-mentioned, and likewise from and after all the Exchequer bills, which are to be made forth in pursuance of this act, shall be entirely discharged and cancelled in manner herein after-mentioned, and payment made to the said governor and company of the said allowances hereafter made for circulating the said Exchequer bills, that then, and not till then, the said corporation of the governor and company of the bank of *England*, shall cease and determine, but till then, the said governor and company shall continue a corporation, and shall have and enjoy all the powers and privileges they are now entitled

and corporation to determine.

entitled unto by virtue of any charter, act, or acts of parliament heretofore granted or made.

VIII. *And whereas the Exchequer bills which were made forth in purſuance of the ſaid act of the fifth year of her Majeſty's reign, for her Majeſty's ſupply, did and do amount to the ſaid full ſum of fifteen hundred thouſand pounds, and the quarterly bills authorized to be made forth in purſuance of the ſame act, for the ſaid rate of four pounds ten ſhillings* per centum per annum, *and the allowance thereupon, until and for the quarter ended at* Lady-day *one thouſand ſeven hundred and nine inclusive, do amount to the further ſum of one hundred twenty three thouſand three hundred thirty ſeven pounds eighteen ſhillings and one penny half penny; in both, to one million ſix hundred twenty three thouſand three hundred thirty ſeven pounds eighteen ſhillings and one penny half penny, as by a certificate ſigned by the auditor of the receipt of her Majeſty's Exchequer, bearing date the firſt day of* April, *one thouſand ſeven hundred and nine, doth appear; and the intereſt of the ſaid ſum of one million ſix hundred twenty three thouſand three hundred thirty ſeven pounds, eighteen ſhillings, and one penny half penny, after the rate of ſix pounds* per centum per annum *for ſix quarters, to be reckoned from* Lady-day *one thouſand ſeven hundred and nine, to* Michaelmas *one thouſand ſeven hundred and ten, being computed and made principal at the end of each quarter, doth amount to one hundred fifty one thouſand ſix hundred eighty nine pounds, nineteen ſhillings, and nine pence more; and being added to the ſum laſt-mentioned, the whole will amount to the ſum of one million ſeven hundred ſeventy five thouſand twenty ſeven pounds, ſeventeen ſhillings, ten pence half penny, for which an annuity or yearly fund, computed after the rate of ſix pounds* per centum per annum, *doth amount to one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence* per annum: now for the encouragement of the ſaid governor and company of the bank of *England*, by this and the ſaid former acts eſtabliſhed, as aforeſaid, to pay off, diſcharge, and cancel all the Exchequer bills which have been iſſued, or were authorized to be iſſued by the ſaid act of the fifth year of her Majeſty's reign, as aforeſaid; and to the end the ſaid governor and company, and their ſucceſſors, may have a competent recompence and conſideration for ſo doing, and for their ſaid allowance after the rate of four pounds ten ſhillings *per centum per annum*, and for all their demands relating thereunto, according to the true meaning of this act; we your Majeſty's ſaid dutiful and loyal ſubjects the ſaid commons of *Great Britain* in parliament aſſembled, do humbly pray that it may be enacted; and be it enacted by the authority aforeſaid, That from and after the ſaid feaſt of ſaint *Michael* the archangel, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten, the ſaid governor and company of the bank of *England*, by this and the ſaid former acts eſtabliſhed, as aforeſaid, and their ſucceſſors, for ever, (ſubject nevertheleſs to the proviſo of redemption herein after contained in this behalf) ſhall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy one annuity

5 Ann. c. 13.

5 Ann. c. 13.

For diſcharging all the Exchequer bills iſſued by 5 Annæ, c. 13, after Michaelmas, 1710. Bank entitled to a yearly annuity of 106,501 l. 13 s. 5 d. out of the duty on houſes.

annuity or yearly ſum of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence, of lawful money of *Great Britain*, which ſhall be, and is hereby charged upon, and ſhall be paid and payable from time to time in the firſt place, and with preference to all other payments whatſoever, out of the ſaid duties on houſes granted or continued unto her Majeſty, her heirs and ſucceſſors, for ever, by the ſaid act of the ſixth year of her Majeſty's reign, which is to take effect from the ſaid laſt day of *July*, one thouſand ſeven hundred and ten, as aforeſaid, and upon and out of ſuch remains and arrears of houſe-money, as by the act laſt-mentioned were intended to be charged with the payment of the ſaid allowance of four pounds ten ſhillings *per centum per annum*, in caſe that allowance had continued; the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence *per annum*, to be paid and payable at the four moſt uſual feaſts or days of payment in the year; that is to ſay, the feaſts of the birth of our Lord Chriſt, the annunciation of the bleſſed virgin *Mary*, the nativity of Saint *John Baptiſt*, and Saint *Michael* the archangel, by even and equal portions; the firſt quarterly payment thereof to be made at the feaſt of the birth of our Lord Chriſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and ten; and that the ſaid annuity or yearly ſum of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence, and every part thereof, ſhall be free from all taxes, charges, and impoſitions whatſoever.

Tax-free.

Treaſurer &c. to ſign orders for payment.

IX. And for the better and more regular payment of the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence, to the ſaid governor and company of the bank of *England*, and their ſucceſſors, for ever (ſubject as aforeſaid) an order or orders ſhall be ſigned by the treaſurer and under treaſurer of the Exchequer, or any three or more of the commiſſioners of the treaſury for the time being, and after the ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any treaſurer or under treaſurer of the Exchequer, or any commiſſioner or commiſſioners of the treaſury, or by or upon the determination of the power, office, or offices of them, or any of them; nor ſhall any lord high treaſurer of *Great Britain*, treaſurer of the Exchequer, or any commiſſioners of the treaſury now or for the time being, have power to revoke, countermand, and make void ſuch order ſo ſigned as aforeſaid.

Payments to be made weekly.

X. And for the more ſpeedy payment of the ſaid annuity or yearly ſum of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence, to the ſaid governor and company, as aforeſaid; it is hereby declared and enacted, That weekly or otherwiſe, as the money of the ſaid duties ſhall from time to time be brought into the Exchequer for payment of the ſaid annuity of one hundred and ſix thouſand

ſand five hundred and one pounds, thirteen ſhillings and five pence, the ſame ſhall and may be iſſued upon the ſaid order or orders for or towards the diſcharging of the ſaid annuity, to grow due for and at the end of the quarter in which ſuch payments ſhall be made, ſo as ſuch weekly or other payments do not exceed the ſum of the quarterly payment which ſhould grow due for or at the end of every ſuch quarter reſpectively.

XI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid governor and company of the bank of *England* and their ſucceſſors, at any time or times, by writing under their common ſeal, to aſſign the ſaid annuity or yearly ſum of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence, or any part thereof, or any intereſt therein, to any perſon or perſons whatſoever, and ſo *toties quoties*, and no ſuch aſſignment ſhall be revocable, ſo as an entry or memorandum thereof be made in the books to be kept for that purpoſe in the ſaid office of the auditor of the receipt. Bank may aſſign the yearly annuity.

XII. And it is hereby further enacted, That the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence *per annum*, and every part thereof, ſhall be adjudged to be a perſonal and not a real eſtate, and ſhall not be liable to any foreign attachment; any law or cuſtom to the contrary notwithſtanding. Annuity a perſonal eſtate, &c.

XIII. And for the better ſecuring the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence *per annum*, unto the ſaid governor and company of the bank of *England*, by this and the ſaid former acts eſtabliſhed, as aforeſaid; it is hereby enacted and declared by the authority aforeſaid, That ſuch duties on houſes, and ſuch remains and arrears of houſe-money, as by the ſaid act of the fifth year of her Majeſty's reign were charged with the ſaid allowance of four pounds, ten ſhillings *per centum per annum*, ſhall continue and be payable to her Majeſty, her heirs and ſucceſſors, for ſatisfying and diſcharging the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence *per annum*, and ſhall be raiſed, levied, received, iſſued, accounted for, appropriated, and applied thereunto, under the ſame rules, directions, penalties, forfeitures, and diſabilities, as are preſcribed by the ſaid act of the fifth year of her Majeſty's reign, touching the raiſing, levying, collecting, iſſuing, appropriating, applying, and accounting for the ſame; nevertheleſs freed and diſcharged of and from the proviſo or condition of redemption, which was ſo contained in the ſaid act of the fifth year of her Majeſty's reign, and all other proviſoes and conditions of redemption whatſoever (the proviſo or condition hereafter in this act contained for redeeming the ſaid duties on houſes, and the ſaid annuity payable out of the ſame, only excepted;) the ſaid act of the fifth year of her Majeſty's reign, or any thing therein contained to the contrary notwithſtanding. Duty on houſes continued for diſcharging the annuities. 5 Annæ, c. 13. *See* 2 Geo. 2. c. 3.

On 12 months notice, and repayment of 1,775,027 l. 17 s. 10 d. ob. Annuity to ceaſe,

XIV. Provided always, and it is hereby enacted by the authority aforeſaid, That at any time, upon one year's notice to the ſaid governor and company, or their ſucceſſors, and upon full payment to them of the ſaid ſum of one million ſeven hundred ſeventy five thouſand twenty ſeven pounds, ſeventeen ſhillings, and ten pence halfpenny, and of all arrears of the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence *per annum*, if any ſhall be then due, then and not till then, the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence *per annum*, ſhall from thenceforth ceaſe and determine, and then alſo the ſaid duties on houſes ſhall be underſtood to be redeemed by parliament, and ſhall not be iſſued, paid, or applied to any other uſe or purpoſe whatſoever, but by authority of parliament; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

and the ſaid duties on houſes to be underſtood to be redeemed.

Original fund, &c. may be redeemed without redemption of the annuity.

XV. Provided nevertheleſs, That nothing in this act contained for or concerning the redemption of the ſaid duties on houſes, or the ſaid annuity hereby charged thereupon, ſhall in any wiſe prevent or hinder the redemption of the ſaid original fund of one hundred thouſand pounds *per annum*, purſuant to the aboveſaid proviſo in that behalf, or of any the funds hereſin after ſettled, for circulating the Exchequer bills hereafter to be made out, in purſuance of this act, but that the ſame reſpectively may be redeemed from the ſaid governor and company, or their ſucceſſors, according to the reſpective proviſoes or conditions in this act contained for thoſe purpoſes, without redemption of the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence *per annum*.

5 Ann. c. 13.

XVI. *And to the end all the ſaid Exchequer bills which have been iſſued by or in purſuance of the ſaid act of the fifth year of her Majeſty's reign, which amounted, as aforeſaid, to fifteen hundred thouſand pounds, for her Majeſty's ſupply, and to one hundred twenty three thouſand three hundred thirty ſeven pounds, eighteen ſhillings, and one penny halfpenny, in quarterly bills, computed to* Lady-day, *one thouſand ſeven hundred and nine, as aforeſaid, may be ſpeedily paid off, diſcharged, and cancelled; and that her Majeſty and her Exchequer may be effectually diſcharged of and from all demands of any quarterly bills which were intended to be iſſued by that act, after* Lady-day, *one thouſand ſeven hundred and nine, until and for the quarter to end at* Michaelmas, *one thouſand ſeven hundred and ten inclusively; and that the ſaid duties on houſes by this act made a ſecurity for payment of the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence* per annum, *may be free and clear from all pretences to the ſaid former allowance of four pounds ten ſhillings* per centum per annum, *and all other incumbrances whatſoever*; it is hereby provided and enacted, *&c.*

Bank to deliver up all Exchequer bills in their hands on 31 March, 1709, to be cancelled, and diſcharge all the reſt as faſt as they can be gotten in. Treaſury to fix a peremptory day, after 24 June, for cancelling the remainder.

mainder. Bills loft, &c. before 31 March, 1709, on oath before a baron, and ſecurity, bank to pay the ſame, &c. Allowance of 4 l. 10 s. per cent. determined. 5 Annæ, c. 13. bills to be iſſued out at the treaſury, not exceeding 2,500,000 l. Such bills to bear intereſt at 2 d. per diem for every 100 l. Bank to have an allowance of 3 l. per cent. for circulating, &c. But ſuch allowance to ceaſe in proportion as the ſaid bills ſhall be diſcharged and cancelled. EXP.

XXII. *And for the encouragement of the ſaid governor and company of the bank of* England, *by or in purſuance of this and the ſaid former acts conſtituted, as aforeſaid, and their ſucceſſors, to undertake the circulation not only of the ſaid bills, not exceeding two millions five hundred thouſand pounds, to be iſſued for her Majeſty's ſupply, as aforeſaid, but alſo of the quarterly bills to be made forth in ſuch manner and form as are herein after-mentioned; and to the end a ſufficient fund may be ſettled, and proviſion made, as well for the payment of the intereſt after the rate of two pence* per centum per diem, *to be born upon all the bills to be iſſued in purſuance of this act, and the premium or allowance, after the rate of three pounds* per centum per annum, *which the ſaid governor and company, and their ſucceſſors, are to receive for circulating the ſame in the manner and form herein after expreſſed, until all the ſaid bills to be iſſued in purſuance of this act, ſhall be paid off and cancelled; and for eſtabliſhing a ſufficient fund for paying off, and cancelling all the Exchequer bills to be iſſued forth in purſuance of this act in reaſonable time;* we your Majeſty's ſaid dutiful and loyal ſubjects the commons of *Great Britain* in parliament aſſembled, do further give and grant unto your Majeſty the ſeveral ſubſidies, duties, impoſitions, and ſums of money herein after mentioned; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the authority aforeſaid in manner following, that is to ſay, *Whereas by an act made in the ſixth year of her Majeſty's reign for continuing (amongſt other things) the duties called* The two third ſubſidies of tonnage and poundage, *it was enacted, That (over and above the ſubſidies, and other payments therein mentioned) there ſhould be paid to her Majeſty one other ſubſidy called* Tonnage, *for and upon all wines which from and after the ſeventh day of* March, *one thouſand ſeven hundred and eight, at any time or times within or during the ſpace of three years from thence next or immediately enſuing, ſhould be imported or brought into* Great Britain, *that is to ſay, two third parts of ſuch or the like ſeveral and reſpective duties as by an act of the ninth year of the reign of his ſaid late majeſty King* William *the Third, were granted to his Majeſty during his life, and by an act of the firſt year of her Majeſty's reign, are continued and payable during her Majeſty's life, for and upon any kind of wine or wines reſpectively; and one other ſubſidy called* Poundage, *of all manner of goods and merchandizes that ſhould be imported or brought into* Great Britain, *at any time or times from and after the ſaid ſeventh day of* March, *one thouſand ſeven hundred and eight, within or during the ſaid term of three years, by way of merchandize, that is to ſay, two third parts of ſuch or the like ſeveral and reſpective duties as by the ſaid act of the ninth year of his ſaid late Majeſty's reign were granted, and by the ſaid act of the firſt year of her Majeſty's reign continued, and payable*

Recital of 6 Annæ, c. 22. relating to the two third ſubſidies.

9 & 10 W. 3. c. 23.

1 Annæ, ſtat. 1. c. 7.

able for and upon the ſame goods and merchandizes reſpectively (except tobacco, and ſuch currans as ſhould be imported in Engliſh *built ſhipping, navigated according to the laws then in force, and ſugar from the* Engliſh *plantations, and ſuch goods and other merchandizes, as in the two acts laſt-mentioned, or either of them, were exempted from payment of the ſubſidies thereby granted:)* now it is hereby enacted by the authority aforeſaid, That the ſaid ſubſidies and duties ſo granted by the ſaid act of the ſixth year of her Majeſty's reign for the term of three years, as aforeſaid, ſhall be continued upon all wines, goods, and merchandizes imported or brought into *Great Britain* (except before excepted) at any time or times from and after the expiration of the ſaid term of three years, and ſhall be paid and payable from thenceforth to her Majeſty, her heirs and ſucceſſors, for ever, for the purpoſes in this act expreſſed, ſubject nevertheleſs to the proviſo or condition of redemption herein after contained and relating thereunto.

Two third ſubſidies continued for ever. 6 Ann. c. 22.

XXIII. And be it enacted by the authority aforeſaid, That the ſame ſubſidies or duties by this act continued, as aforeſaid, and every of them reſpectively, ſhall be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, by ſuch rules, ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch diſtribution of the ſaid penalties and forfeitures, and ſubject to ſuch drawbacks, allowances, and repayments, and in ſuch manner and form, in all reſpects, as the like ſubſidies or duties continued by the *ſaid* act of the ſixth year of her Majeſty's reign, are thereby, or by any other act or acts, laws or ſtatutes, whereunto that act hath reference, preſcribed, enacted, or appointed to be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for during the continuance thereof; and that all ſuch of the powers, directions, penalties and forfeitures, clauſes, matters, and things, provided, ſettled, or eſtabliſhed by the ſaid act of the ſixth year of her Majeſty's reign, or by any other act or acts now in force whereunto that act hath relation, for the better raiſing, levying, recovering, anſwering, or paying the reſpective ſubſidies or duties thereby continued, or for making any drawbacks, repayments, or allowances out of any of the ſaid ſubſidies or duties upon exportation, ſhall be revived and be continued, and be in force and virtue during the continuance of this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters, and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

Subſidies how to be raiſed. 6 Ann. c. 22.

European linnen, ſifters threads, &c. exempted. *Explained by* 12 Annæ, ſtat. 2. c. 11. *as to unwrought incle.*

XXIV. Provided always, and it is hereby enacted by the authority aforeſaid, That all *European* linens, ſifters threads, and tapes, or incle, linſeed and flax, ſhall be exempted from the payment of the ſaid duties, called the two third ſubſidies, during the continuance of the ſame by virtue of this act.

6 Annæ, c. 22.

XXV. *And whereas the ſaid ſubſidies or duties laſt-mentioned were by the ſaid act of the ſixth year of her Majeſty's reign made ſubject and liable* (inter alia) *to the ſecuring, payment and ſatisfaction of all the*

the principal and intereſt monies, which ſhould, from time to time, remain unſatisfied, of and for certain loans not exceeding the ſum of ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny, borrowed upon a former act therein mentioned: now it is hereby further declared and enacted by the authority aforeſaid, That immediately from and after the time that the ſum now remaining unſatisfied of the loans, not exceeding the ſaid ſum of ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings, and a halfpenny, and the intereſt thereof ſhall be fully paid off and diſcharged, or that ſufficient money ſhall be reſerved in the Exchequer for that purpoſe, out of the monies ariſing or to ariſe by the laſt-mentioned ſubſidies or duties, then all the monies which from thenceforth, during the remainder of the ſaid term of three years, ſhall or may ariſe by the ſaid laſt-mentioned ſubſidies or duties (except the neceſſary charges of raiſing, levying, collecting, and accounting for the ſame) ſhall, from time to time, be paid into the receipt of her Majeſty's Exchequer, diſtinctly, for the purpoſes in this act expreſſed, and for no other uſe, intent, or purpoſe whatſoever.

After the loans on 6 Annæ, c. 22. are ſatisfied, the remainder to be reſerved for the purpoſes of this act.

XXVI. *And whereas by the ſaid act of the fifth year of her Majeſty's reign, it was, amongſt other things, enacted, That the duties upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muſlins, and the increaſed or new additional rates and duties upon all coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the further rates and ſums charged or impoſed for and upon all white callicoes, porcelain, commonly called* China *ware, and drugs (except drugs for dying) in the ſaid act mentioned, ſhould be continued, and be paid and payable unto her Majeſty, her heirs and ſucceſſors, for and upon the ſame commodities and merchandizes reſpectively, which ſhould be imported into* Great Britain, *from and after the twenty third day of* June, *one thouſand ſeven hundred and ten, at any time or times within or during the term of four years from thence next and immediately enſuing:* now it is hereby enacted by the authority aforeſaid, That the ſaid duties upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and muſlins, and the ſaid increaſed or new additional rates and duties upon all coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the ſaid further rates and ſums charged or impoſed upon all white callicoes, porcelain, commonly called *China* ware, and drugs (except drugs for dying) ſo continued by the ſaid act of the ſixth year of her Majeſty's reign, for the term of four years, as aforeſaid, ſhall be further continued, for and upon the ſame commodities and merchandizes reſpectively (except before excepted) which ſhall be imported or brought into *Great Britain*, at any time or times from and after the expiration of the ſaid term of four years, and ſhall be paid and payable to her Majeſty, her heirs and ſucceſſors for ever, for the purpoſes in this act

6 Ann. c. 22.

See 8 Geo. 1. c. 15. ſ. 17.

Duties on coffee, tea, &c. continued for ever.

The additional duties repealed by 10 Geo. 1. c. 10. 18 Geo. 2. c. 26. *and new ones impoſed.*

Drugs for dying excepted.

Subject to a proviſo of redemption.

act expreſſed, ſubject nevertheleſs to the proviſo and condition of redemption herein after contained and relating thereunto.

Duty on coffee, &c. how to be raiſed.

XXVII. And be it further enacted by the authority aforeſaid, That the ſaid laſt-mentioned rates, duties, and ſums of money, by this act continued, as aforeſaid, and every of them reſpectively, ſhall be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, by ſuch rules, ways, means, and methods, and under ſuch penalties and forfeitures, and with ſuch diſtribution of the ſaid penalties and forfeitures, and ſubject to ſuch drawbacks, allowances, and repayments, and in ſuch manner and form in all reſpects, as the like rates, duties, and ſums of money continued by the ſaid act of the ſixth year of her Majeſty's reign, are thereby, or by any other act or acts, laws, and ſtatutes whereunto that act hath reference, preſcribed, enacted, or appointed, to be aſcertained, ſecured, raiſed, levied, recovered, anſwered, paid, and accounted for, during the continuance thereof, and that all ſuch of the powers, directions, penalties, and forfeitures, clauſes, matters, and things, provided, ſettled, or eſtabliſhed by the ſaid act of the ſixth year of her Majeſty's reign, or by any other act or acts now in force, whereunto that act hath relation, for the better aſcertaining, raiſing, levying, recovering, anſwering, or paying the reſpective rates, duties, and ſums of money upon coffee, cocoa nuts, and other the laſt-mentioned commodities thereby continued, or for making any drawbacks, repayments, or allowances out of any of the ſaid rates, duties, and ſums of money, upon exportation, ſhall be revived, and be continued and be in force and virtue during the continuance thereof by this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid powers, directions, penalties, forfeitures, clauſes, matters and things, and every of them, were again repeated and re-enacted in the body of this preſent act.

6 Ann. c. 22.

XXVIII. *And whereas the rates, duties, and ſums of money upon coffee and other the enumerated commodities laſt-mentioned, were by the ſaid act of the ſixth year of her Majeſty's reign made ſubject and liable to and for the ſecuring, paying, and ſatisfying all the principal and intereſt monies which ſhould, from time to time, remain unſatisfied of or for certain loans, not exceeding the ſum of ſeven hundred thouſand pounds, borrowed upon a former act therein mentioned;* now it is hereby further declared and enacted by the authority aforeſaid, That immediately from and after the time that the ſum now remaining unſatisfied of the loans, not exceeding the ſaid ſum of ſeven hundred thouſand pounds, and the intereſt thereof, ſhall be fully paid off and diſcharged, or that ſufficient money ſhall be reſerved in the Exchequer for that purpoſe, then all the monies which from thenceforth, during the then remainder of the ſaid term of four years, ſhall or may ariſe by the ſaid duties on coffee and other the commodities laſt enumerated (except the neceſſary charges of raiſing, levying, collecting, anſwering, and recounting for the ſame) ſhall from time to time, be paid into the receipt of her Majeſty's Exchequer, diſtinctly

6 Ann. c. 22.

After the former loans are ſatisfied, the remainder reſerved for the purpoſes of this act.

3 & 4 Ann. c. 4.

for

or the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.

XXIX. *And whereas several subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and merchandizes, were given and granted to his late majesty King* Charles *the Second, of blessed memory, for his life, by an act of parliament made in the twelfth year of his reign, intituled,* A subsidy granted to the King, of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported, *and by the book of rates thereunto annexed; which subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and merchandizes, as well exported as imported (with some alterations) were, by several subsequent acts, granted to continue until the first day of* August, *one thousand seven hundred and ten; and by an act made in the fifth year of her now Majesty's reign, intituled,* An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure, *the said subsidies of tonnage and poundage, and other duties and sums of money last-mentioned, were enacted to continue and be payable to her Majesty for and upon all wines, goods, and merchandizes which should be imported at any time or times between the last day of* July, *one thousand seven hundred and ten, and the first day of* August, *one thousand seven hundred and twelve: And whereas by an act made in the sixth year of her Majesty's reign, intituled,* An act for continuing the half subsidies therein mentioned, with several impositions, and other duties, to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks, *it was enacted, amongst other things, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament, or otherwise howsoever, then due or payable, or which then ought to be paid to her Majesty for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there should be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the last day of* July, *one thousand seven hundred and twelve, and before the first day of* August, *one thousand seven hundred and fourteen, should be imported or brought into* Great Britain, *one moiety or half part of such and the like several and respective subsidies, duties, and sums of money, as by the said act of the fifth year of her Majesty's reign were charged or payable within or during the term thereby granted or limited, for or upon the like imported wines, goods, and merchandizes respectively (except such goods and other merchandizes as by the said act of the fifth year of her Majesty's reign, or by any law in force at the making of the said act of the fifth year of her Majesty's reign, were exempted from the payment of the subsidies or duties*

12 Car. 2. c. 4.

5 Ann. c. 27.

6 Ann. c. 19.

5 Ann. c. 27.

6 Ann. c. 19.

which

12 Car. 2. c 4. *which were firſt granted in the twelfth year of the reign of King* Charles *the Second, as aforeſaid:* now it is hereby enacted by the

Half ſubſidies of 6 Ann. continued for ever.

authority aforeſaid, That the ſaid one moiety or half part of the ſaid ſubſidies, duties, and ſums of money, granted by the ſaid laſt-mentioned act of the ſixth year of her Majeſty's reign upon

6 Ann. c. 19. wines, goods, and merchandizes imported, as aforeſaid, into *Great Britain* (except as in the ſame act is excepted) ſhall from and after the laſt day of *July*, one thouſand ſeven hundred and fourteen, be further continued and charged, and ſhall be paid and payable to her Majeſty, her heirs and ſucceſſors, for ever,

Subject to redemption. for the purpoſes in this act expreſſed, ſubject nevertheleſs to the proviſo or condition of redemption herein after contained, and relating thereunto.

Same drawbacks, &c. as by the former acts.

XXX. And it is hereby enacted by the authority aforeſaid, That in all caſes where by the ſaid laſt-mentioned act of the ſixth year of her Majeſty's reign, any drawbacks or abatements

6 Ann. c. 19. are to be made of the whole, or any part of the duties thereby impoſed on any wines, goods, or merchandizes imported, there ſhall be in the like caſes, the like proportional drawbacks and abatements made of the whole or part of the duties by this act impoſed upon the ſame wines, goods, and merchandizes reſpectively; and that the ſaid moiety or half part of the ſaid ſubſidies, duties, and ſums of money by this act granted, ſhall be raiſed, collected, levied, ſecured, and paid within and throughout the

Former powers for levying the duty continued. whole kingdom of *Great Britain*, by the ſame ways, means, and methods, and under ſuch penalties, and forfeitures, and with ſuch allowances, and ſubject to ſuch rules and directions, as in and by the ſaid laſt-mentioned act of the ſixth year of her Majeſty's reign, or by any other act or acts therein referred unto, are preſcribed or appointed, for the raiſing, levying, collecting, ſecuring, and paying the ſaid moiety or half part of the ſame ſubſidies, duties, and ſums of money granted by the ſame act of the

6 Ann. c. 19. ſixth year of her ſaid Majeſty's reign; and that every article, rule, and clauſe contained in the ſaid laſt-mentioned act of the ſixth year of her Majeſty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raiſing, collecting, levying, ſecuring, and paying the ſaid moiety or half part of the ſaid ſubſidies, duties, and ſums of money upon wines, goods, and merchandizes thereby granted, as aforeſaid, during the continuance thereof, are and ſhall be by force of this act revived, and ſhall be uſed, exerciſed, and put in practice, for the raiſing, levying, collecting, and anſwering the ſaid moiety or half part of the ſubſidies, duties, and ſums of money upon wines, goods, and merchandizes by this act granted or impoſed, as aforeſaid, and all arrears of the ſame, from time to time, for the uſes and purpoſes in this act expreſſed, as fully and effectually, as if the ſame articles, rules, and clauſes, and every of them, were again particularly, and at large recited and re-enacted in the body of this preſent act, excepting only as to ſuch of the ſaid articles, rules, and clauſes touching which other proviſions, alterations, or exemptions are made by any act or acts of parliament

liament now in being, which other provisions, alterations, or exemptions, shall be observed, with respect to the moiety or half part of the subsidies, duties, or sums of money upon wines, goods, and merchandizes hereby continued, as aforesaid, in the same manner as they are to be observed with respect to the said moiety or half part of the said subsidies, duties, or sums of money formerly granted, as aforesaid.

XXXI. *And whereas the said one moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes, together with several other impositions, subsidies, and duties mentioned in the said last-mentioned act of the sixth year of her Majesty's reign, were by that act made subject and liable to the securing, payment, and satisfaction of certain loans of any sums which should not exceed in the whole seven hundred twenty nine thousand sixty seven pounds, fifteen shillings, and six pence three farthings, borrowed or authorized to be borrowed thereupon, and such further sums for payment of interest as are therein mentioned or referred unto:* now it is hereby further declared and enacted by the authority aforesaid, That immediately from and after the time that all the said loans, not exceeding seven hundred twenty nine thousand sixty seven pounds, fifteen shillings, and six pence three farthings, borrowed, or authorized to be borrowed, as aforesaid, and all the interest monies secured, or intended to be secured by the said last-mentioned act of the sixth year of her Majesty's reign, shall be paid off and discharged in the manner in the same act mentioned, or that sufficient money shall be reserved in the Exchequer for that purpose, out of the monies arising or to arise by the subsidies, duties, and impositions thereby appropriated thereunto, then all the monies which from thenceforth, until the said first day of *August*, one thousand seven hundred and fourteen, shall or may arise by the said moiety or half part of the subsidies, duties, and sums of money upon wines, goods, and merchandizes by the said former acts granted, and by this act continued, as aforesaid (except the necessary charges of raising, levying, collecting, and accounting for the same) shall, from time to time, be paid into the receipt of her Majesty's Exchequer distinctly for the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.

6 Ann. c. 19.

After the loans upon 6 Ann. c. 19. are discharged, remainder to be applied to the purposes of this act.

XXXII. *And whereas by another act of the sixth year of her Majesty's reign, intituled,* An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King *Charles* the Second, and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds *per annum*, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed, *it was, amongst other things, enacted, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament, or otherwise howsoever, then due or payable,*

6 Ann. c. 11.

payable, or which ought to be paid to her Majeſty, for or upon any wines, goods, or merchandizes whatſoever, imported or to be imported, there ſhould be raiſed, levied, collected, paid, and ſatisfied unto her Majeſty, her heirs and ſucceſſors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the laſt day of July, *one thouſand ſeven hundred and twelve, within or during the term of ninety ſix years from thence next and immediately enſuing*
5 Ann. c. 27. *ſhould be imported or brought into* Great Britain, *one moiety or half part of ſuch and the like ſeveral and reſpective ſubſidies and duties, and ſums of money, as by the ſaid act of the fifth year of her Majeſty's reign, therein mentioned, are charged or payable within or during the term or time thereby granted or limited for or upon the like imported wines, goods and merchandizes reſpectively, except ſuch goods and other merchandizes as by the ſaid laſt-mentioned act of the fifth year of her Majeſty's reign, or by any law in force, were exempted from the payment of the ſubſidies or duties which were firſt granted in the*
12 Car. 2. c. 4. *twelfth year of the reign of King* Charles *the Second, as aforeſaid, And whereas a ſum not exceeding in the whole the ſum of eighty thouſand pounds* per annum, *to ariſe by and out of the ſaid laſt-mentioned moiety or half part of the ſaid ſubſidies, duties, and ſums of money upon wines, goods, and merchandizes, is by the ſaid laſt-mentioned*
6 Ann. c. 11. *act of the ſixth year of her Majeſty's reign appropriated for and during the ſaid term of ninety ſix years for the payment of annuities to be purchaſed in purſuance of that act; in which ſaid act it is provided and enacted, That if at the end of any quarter of a year of the term for which the annuities upon that act were to be purchaſed, the monies ariſing at the Exchequer of or for the ſaid half ſubſidies and duties by that act appropriated (certain contribution money therein mentioned to be reſerved, being excepted) ſhould exceed all the monies then due for or upon the ſame annuities and all arrearages thereof, then or at any time or times before that time incurred, ſo that there ſhould be an exceſs or ſurplus remaining in the Exchequer, ſuch exceſs or ſurplus ſhould be diſpoſable, from time to time, for the publick uſe and ſervice, and not otherwiſe:* now it is hereby enacted by the

Exceſs or ſurplus ariſing of the annuity act 6 Annæ.

authority aforeſaid, That the ſaid exceſs or ſurplus which ſhall from time to time ariſe of and from the laſt-mentioned moiety or half part of the ſaid ſubſidies, duties, and ſums of money upon wines, goods, and merchandizes, after payment and ſatisfaction, or reſerving at the receipt of her Majeſty's Exchequer, from time to time, ſufficient to pay and ſatisfy the ſaid annuities, not exceeding in the whole the ſum of eighty thouſand pounds *per annum*, charged upon the ſaid laſt-mentioned moiety or half part of the ſubſidies, duties, or ſums of money upon wines,
6 Ann. c. 11. goods, and merchandizes by the ſaid laſt-mentioned act of the ſixth year of her Majeſty's reign, during the ſaid term of ninety ſix years, (except the neceſſary charges of raiſing, levying, collecting, aſcertaining, and accounting for the ſame) and alſo all

to be kept apart in the Exchequer for the purpoſes of this act.

arrearages of the ſaid laſt-mentioned moiety or half part of the ſaid ſubſidies, duties, and ſums of money upon wines, goods, and merchandizes, (not already appropriated, or to be applied by any former act or acts of parliament in that behalf) ſhall,

as

as the ſame ſhall ariſe, be kept diſtinct and apart in her Majeſty's Exchequer for the purpoſes in this act expreſſed, and for no other uſe, intent, or purpoſe whatſoever.

XXXIII. And it is hereby declared and enacted by the authority aforeſaid, That the ſaid ſubſidies of tonnage and poundage, and other duties commonly called by the name of *The two third ſubſidies*, which from and after the expiration of the ſaid term of three years formerly granted therein, as aforeſaid, ſhall ariſe, grow due, or become payable by virtue of this act to her Majeſty, her heirs and ſucceſſors, and all the monies which from and after the paying off and diſcharging all the ſaid loans, not exceeding ſix hundred thirty ſix thouſand nine hundred fifty ſeven pounds, four ſhillings and a half penny, and all the intereſt thereof, ſhall or may ariſe during the then remainder of the ſaid term of three years of or for the ſaid ſubſidies and duties, commonly called *The two third ſubſidies*, granted or continued by the ſaid act of the ſixth year of her Majeſty's reign; and the ſaid duties upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muſlins, and the increaſed or new additional rates and duties upon all coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures; and the further rates and ſums charged or impoſed for and upon all white callicoes, porcelain, commonly called *China* wares, and drugs, which from and after the expiration of the ſaid term of four years formerly granted therein, as aforeſaid, ſhall ariſe, grow due, or become payable by virtue of this act to her Majeſty, her heirs and ſucceſſors; and all the monies which from and after the paying off and diſcharging all the ſaid loans, not exceeding ſeven hundred thouſand pounds, and all the intereſt thereof, ſhall or may ariſe during the then remainder of the ſaid term of four years of and in the ſaid duties, and additional or further duties on coffee, and other the enumerated commodities laſt-mentioned, granted by the ſaid act of the ſixth year of her Majeſty's reign; and the ſaid half ſubſidies and other duties which from and after the ſaid laſt day of *July*, one thouſand ſeven hundred and fourteen, ſhall ariſe, grow due, or become payable by virtue of this act to her Majeſty, her heirs and ſucceſſors; and all the monies which from and after the paying off and diſcharging all the ſaid loans, not exceeding ſeven hundred twenty nine thouſand ſixty ſeven pounds, fifteen ſhillings and ſix pence three farthings, borrowed or authorized to be borrowed, as aforeſaid, and all the intereſt monies ſecured, or intended to be ſecured by the ſaid act of the ſixth year of her Majeſty's reign in that behalf, or reſerving ſufficient money in the Exchequer, for that purpoſe, as aforeſaid, ſhall or may ariſe of or for the like half ſubſidies or duties by the ſame act of the ſixth year of her Majeſty's reign until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, and all the monies which (at the end of any quarter of a year of the term for which the ſaid annuities not exceeding eighty thouſand pounds *per annum* upon the ſaid other act of the ſixth year of her

The two third ſubſidies.

6 Ann. c. 22.

The duty on coffee, &c.

The duty on callicoes, &c.

Half the old ſubſidy, &c.

6 Ann. c. 22.

6 Ann. c. 11,

Majeſty's reign are purchaſed) ſhall ariſe at the Exchequer of or for the other half ſubſidies or duties by that act appropriated, over and above the monies then due for or upon the ſame annuities, or for arrearages thereof, then or at any time or times before that time incurred, as aforeſaid, (the neceſſary charges of raiſing, levying, collecting, anſwering, paying, and accounting for the ſaid ſubſidies, duties, ſurplus monies, remains, and arrears reſpectively, and the charges of making and iſſuing all the Exchequer bills to be made forth or iſſued in purſuance of this act, always excepted and foreprized) are and ſhall be a general fund and ſecurity, as well for ſatisfying and paying, from time to time, all ſuch monies as ſhall be due or payable according to the true meaning of this act, for the ſaid intereſt to be born on the ſaid bills, and for the ſaid premium or allowance after the rate of three pounds *per centum per annum*, and for or towards raiſing the yearly ſum of two hundred thouſand pounds, to commence as is herein after mentioned for paying off and cancelling the ſaid bills in the manner herein after expreſſed.

made a general fund for paying off and cancelling the bills, &c.

A book to be kept in the auditor's office for entring the general fund. Till the fund eſtabliſhed takes effect, treaſury to compute quarterly the intereſt due on Exchequer bills: and to make out other bills for ſo much as ſhall be due, with like intereſt and currency, &c. and be dated on the quarter day to which the intereſt is computed, and paid to the bank, &c. Remainder of the ſubſidies, &c. appropriated for paying off Exchequer bills. Deficiency of one quarter to be made good out of the overplus of the next. Surplus of any quarter diſpoſable by parliament. Allowance of 3 per cent. for circulation to be paid weekly. Treaſury to iſſue money to any perſon for diſcharging the intereſt on the bills. The yearly ſum of 200,000l. for diſcharging the bills, to be iſſued and applied as the treaſury ſhall direct; but the weekly payments not to exceed 50,000l. in one quarter. Officers miſapplying the money, &c. forfeit office, &c. Exchequer bills to be taken by all receivers, &c. and at the Exchequer. Receivers, &c. to exchange the bills in ready money, or be liable to be ſued for the money, &c. How the plaintiff in ſuch action may declare. He ſhall recover damages and full coſts of ſuit. The bills to paſs as ſpecie in the Exchequer. Intereſt on bills to be allowed by receivers, &c. Bills in receivers hands, &c. Intereſt to ceaſe. Perſons paying bills to receivers, &c. to endorſe their names, day, and year when paid. Bills re-iſſued to have the day and year endorſed, &c. Bills after 24 June, 1709. to be re-iſſued only for the principal. Tellers to be reimburſed the intereſt they allow. Receivers general to keep a book, &c. to be inſpected without fee, on penalty of 100l. to any one who will ſue for it. Bank to exchange all bills re-iſſued at the Exchequer. Penalty on bank refuſing to exchange. Bills filled up by indorſements, &c. Treaſury to iſſue new ones. Bank may call in money from their members for circulating, &c. *See* 8 Annæ, c. 1. ſ. 116. Members refuſing, bank may ſtop their dividends, &c. and charge defaulters with intereſt at 6 per cent. Not paid in three months, bank may ſell. Bank may make dividends of the money called in. Felony to counterfeit theſe Exchequer bills. Bank to have one part of the cheques, &c. of all bills. Members not diſabled by any thing in the act to be parliament men, or liable to be bankrupts. No other Exchequer bills to be iſſued, until all theſe be paid, without conſent of the bank. EXP.

During the bank no company in part-

LXI. And it is hereby further enacted by the authority aforeſaid, That during the continuance of the ſaid corporation of the governor and company of the bank of *England*, it ſhall not

not be lawful for any body politick or corporate whatſoever, erected or to be erected, (other than the ſaid governor and company of the bank of *England*) or for any other perſons whatſoever united or to be united in covenants or partnerſhip, exceeding the number of ſix perſons, in that part of *Great Britain* called *England*, to borrow, owe, or take up any ſum or ſums of money on their bills or notes payable at demand, or at any leſs time than ſix months from the borrowing thereof. nerſhip to take up money on their bills, payable under 6 months.

LXII. And it is hereby further enacted by the authority aforeſaid, That the common capital and principal ſtock, and alſo the real funds of the governor and company of the bank of *England*, and all the profit and produce to be made thereof, or ariſing thereby, and the ſaid allowance after the rate of three pounds *per centum per annum*, and the particular part, ſhare, and intereſt of every member of the ſaid corporation in the ſaid ſtock, funds, profits, produce, and allowance, and the principal to be contained in the ſaid bills, and the intereſt to be born thereupon, ſhall be and are hereby exempted from any taxes, rates, aſſeſſments, and impoſitions whatſoever, during the reſpective continuances of the ſame; and ſhall be deemed in all courts of law and juſtice, and in all other courts and places whatſoever, to be a perſonal eſtate, and not real, and ſhall go to the executors and adminiſtrators of the perſon or perſons dying poſſeſſed thereof, or entitled thereunto, and not to the heirs of ſuch perſon or perſons; and that the ſaid common capital and principal ſtock, and real funds of the ſaid governor and company of the bank of *England*, and the ſaid allowances after the rate of three pounds *per centum per annum*, the ſaid Exchequer bills, whilſt in the hands of the ſaid governor and company, and the particular part, ſhare, and intereſt of every member of the ſaid corporation in the ſaid ſtock, funds, allowances, and the ſaid bills, whilſt ſuch bills ſhall be in the hands of the ſaid governor and company, as aforeſaid, ſhall not be liable or ſubject to any foreign attachment by the cuſtom of *London*, or otherwiſe; any thing in this act, or in any other act contained, or any other law, ſtatute, proviſion, uſage, or cuſtom to the contrary notwithſtanding. Capital ſtock, &c. exempted from taxes, and to be deemed a perſonal eſtate, and not liable to foreign attachment.

LXIII. And it is hereby further enacted by the authority aforeſaid, That the original fund of the ſaid governor and company of one hundred thouſand pounds *per annum* before mentioned, and all profit, benefit, and advantage, from time to time ariſing out of the management of the ſaid corporation, and alſo the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings and five pence *per annum*, and likewiſe the ſaid allowance after the rate of three pounds *per centum per annum* for circulating the exchequer bills to be made in purſuance of this act, ſhall (the charges of managing the buſineſs of the ſaid governor and company, only excepted) be applied from time to time, to the uſes of all the members of the ſaid corporation of the governor and company of the bank of *England* for the time being, ratably and in proportion to each The original fund, &c. to be applied to the uſe of the members.

member's part, ſhare, and intereſt in the common capital and principal ſtock of the ſaid governor and company hereby continued, enlarged, and eſtabliſhed.

Subſcribers of 2,101,171l. 10s. who have paid one fifth to pay the remainder into the bank,

LXIV. Provided always, and it is hereby enacted by the authority aforeſaid, That the ſeveral and reſpective perſons who have ſubſcribed the ſeveral ſums in the ſaid books, amounting to the ſaid ſum of two millions two hundred and one thouſand one hundred ſeventy one pounds, ten ſhillings, or for whom ſuch ſubſcriptions have been made, and have paid down one fifth part of each ſum ſubſcribed, as aforeſaid, or their reſpective aſſigns, ſhall, and they are hereby reſpectively enjoyned and required to pay to the ſaid governor and company, or their caſhier, for their uſe, the remaining four fifth parts of every ſum ſo ſubſcribed or written in the ſaid books, or any of them, againſt their names reſpectively, and alſo every ſum of fifteen pounds, or after that rate, to be added to every hundred pounds, or any greater or leſſer ſum ſubſcribed, as aforeſaid, at ſuch times, and by ſuch proportions, as the court of directors of the ſaid governor and company for the time being, or the major part of them, ſhall appoint in that behalf, ſo as publick notice thereof be given as well in the *London Gazette*, as by a paper to be ſigned by the ſecretary of the ſaid governor and company, and fixed upon the *Royal Exchange* in *London*, at leaſt ten days before the reſpective days of payment ſo appointed; and in caſe default ſhall be made in any of the ſaid payments ſo appointed and notified, then the perſon or perſons making ſuch default, ſhall forfeit the fifth part ſo paid down, as aforeſaid, to the ſaid governor and company of the bank of *England*, and their ſucceſſors, and in reſpect of ſuch fifth part ſhall not be entitled to any ſhare or dividend out of the capital ſtock of the ſaid governor and company; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

at ſuch times as the directors ſhall appoint.

Defaulters to forfeit the fifth part paid down.

Bank may make dividends, &c.

LXV. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid governor and company of the bank of *England* ſo enlarged and conſtituted, as aforeſaid, and their ſucceſſors, at any time or times hereafter, when they ſhall find it ſafe and convenient, to reduce or leſſen their capital ſtock increaſed, as aforeſaid, by any dividend or dividends to be made amongſt the then members of the ſaid corporation in their private or perſonal capacities, ratably and in proportion to their reſpective ſhares and intereſts therein, taking care that the ſum total of all their debts which they ſhall owe at any one time to any perſon or perſons, bodies politick or corporate, do not exceed the value of the joint and capital ſtock, and ſuch other eſtate which at any ſuch time ſhall be and remain to the ſaid governor and company undivided; and that in caſe the ſaid governor and company, or their ſucceſſors, by any dividend whatſoever to be made amongſt themſelves in their private or perſonal capacities, ſhall reduce or leſſen their joint ſtock or capital, without limiting, paying off, or proportionably reducing the total

taking care that the debts they ſhall owe, exceed not the capital ſtock.

ſum

ım of the ſaid debts which they ſhall owe to others, as aforeiid, ſo that the value of their joint ſtock and capital, and other ieir eſtate then remaining undivided, ſhall not be ſufficient ɔ anſwer their juſt debts then remaining unpaid, in every ſuch aſe the particular members of the ſaid corporation of the gover- or and company of the bank of *England*, and every of them ɛſpectively, who in their private or perſonal capacities ſhall ɛceive any ſhare of ſuch dividend, ſhall be ſeverally liable, nd they are hereby made liable, ſo far as the reſpective ſhares ɔ by them reſpectively received upon ſuch dividend, will exɛnd, to pay and ſatisfy the debts which ſhall remain due and npaid by the ſaid governor and company, to any other perɔn or perſons, bodies politick or corporate, as aforeſaid, who y virtue of this act ſhall or may ſue for and recover the ſame beſides treble coſts) by action of debt, or upon the caſe, as ɜ before-mentioned; any thing in this, or any former act, harter, or otherwiſe howſoever to the contrary in any wiſe otwithſtanding.

In ſuch caſe the particular members who have received any ſhare of ſuch dividend, ſhall be, ſo far as that will extend, liable to pay the debts owing by the bank.

LXVI. Provided always, and it is hereby further enacted, That from and after the compleat paying off, and diſcharging he ſaid principal and intereſt due on all the ſaid Exchequer ills to be iſſued in purſuance of this act, and cancelling all the ills, and full ſatisfaction made, as aforeſaid, of all arrearages f the ſaid allowances, after the rate of three pounds *per centum er annum* for circulating the ſame, then, and not till then, he ſeveral duties by this act ſettled or appropriated, as well or payment of the ſaid intereſt, after the rate of two pence ɛr *centum per diem*, and the ſaid allowance after the rate of hree pounds *per centum per annum*, as for raiſing the ſaid yearly ium of two hundred thouſand pounds, and every of them, hall be underſtood to be redeemed by parliament, and ſhall ıot be iſſued, paid, or applied to any uſe, intent, or purpoſe whatſoever, without the authority of parliament; any thing ıerein contained to the contrary thereof in any wiſe notwithſtanding.

After the bills are all diſcharged, the duties are redeemed.

LXVII. Provided nevertheleſs, That nothing in this act ɔontained, for or concerning the redemption of the ſaid duties ɔy this act ſettled and appropriated, as well for payment ɔf the ſaid intereſt, after the rate of two pence *per diem*, and the ſaid allowance after the rate of three pounds *per centum per nnum*, as for raiſing the ſaid yearly ſum of two hundred thouſand pounds for cancelling the ſaid bills, ſhall in any wiſe prevent or hinder the redemption of the ſaid original fund of one hundred thouſand pounds *per annum*, or the ſaid annuity of one hundred and ſix thouſand five hundred and one pounds, thirteen ſhillings, and five pence, purſuant to the reſpective proviſoes for thoſe purpoſes in this act contained; but that the ſame, or either of them may be redeemed from the ſaid governor and company, or their ſucceſſors, according to the reſpective proviſoes or conditions in this act contained, without redemption of the ſaid duties and funds hereby ſettled in relation

The not redeeming the ſaid duties, not to hinder the redemption of the original fund, &c.

to the Exchequer bills to be made forth in purſuance of this act, as aforeſaid; any thing herein contained to the contrary in any wiſe notwithſtanding.

The dividend of 4l. 10s. to belong only to the old members.

LXVIII. *And whereas the ſaid governor and company of the bank of* England *eſtabliſhed by former acts herein recited, did on the three and twentieth day of* March, *one thouſand ſeven hundred and eight, order a dividend of four pounds and ten ſhillings* per centum *to be made amongſt their then members*; it is hereby enacted and declared, That the ſaid dividend only belongs to, and is to be received and enjoyed by the reſpective members of the ſaid corporation, before the making the ſubſcription before-mentioned, and their reſpective aſſigns, in proportion to their reſpective intereſts in the then capital ſtock of the ſaid governor and company.

Commiſſioners for taking ſubſcriptions indemnified.

LXIX. Provided always, and it is hereby enacted and declared, That the perſons named commiſſioners for taking the ſubſcriptions in the act before-mentioned, or any of them, ſhall not incur or be ſubject to any incapacity, forfeiture or penalty whatſoever, for or in regard of their or any of their being named commiſſioners, or acting in or upon the commiſſion for taking ſuch ſubſcriptions, or any ways relating thereunto; any law or ſtatute to the contrary in any wiſe notwithſtanding.

Publick act.

LXX. And be it further enacted and declared, *That* this preſent act ſhall be eſteemed in all the parts thereof in *all* courts of law and equity to be a publick act, and notice thereof *ſhall* be taken as ſuch by all courts and perſons accordingly.

Bank not obliged to pay intereſt to a leſſer ſum than a penny.

LXXI. And it is hereby enacted by the authority aforeſaid, That as often as any of the bills hereby authorized to be iſſued ſhall become payable by the ſaid governor and company, and ſhall be brought to them to be exchanged for money, the ſaid governor and company ſhall not be obliged to pay for ſuch intereſt to any leſſer ſum than a penny due upon ſuch bill, in caſe a ſingle bill be produced for payment, or for the total of the intereſt of ſuch bills, where two or a greater number of bills ſhall be offered at one time by the ſame perſon; and the payment or tender of all ſuch intereſt as ſhall be due on ſuch bill or bills (except ſuch ſum leſs than a penny) together with the principal due on ſuch bill and bills, ſhall be good and ſufficient in law, as if the principal and entire intereſt, including ſuch leſs ſum than a penny, had been paid or tendred upon ſuch bill or bills.

Bank may call in monies divided out of their capital ſtock, &c.

LXXII. Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful for the ſaid governor and company, and their ſucceſſors, from time to time hereafter in ſuch manner, and by ſuch notice as in this act are before appointed for calling in any monies for the circulation of Exchequer bills and other the purpoſes before-mentioned, to call in or direct to be paid by or from their reſpective members for the time being proportionably all or any part of the monies which ſhall have before been divided and paid out of their ſaid capital

ital ſtock of four millions four hundred and two thouſand ee hundred forty and three pounds, under ſuch penalties, arges, and forfeitures for non-payment of any monies of the d capital ſo called in, as are before appointed for non-payment any other monies (not capital) by this act authorized to be lled in, as aforeſaid.

LXXIII. Provided always, and it is hereby enacted by the thority aforeſaid, That if the reſpective duties by this act inted or appropriated, or any of them, ſhall at any time or nes appear to be ſo deficient, that within any one year the d reſpective duties ſhall not be ſufficient to anſwer and ſatisfy e ſeveral and reſpective purpoſes to which the ſame are here- ſeverally appropriated, then and in every ſuch caſe, and as ten as ſuch deficiency ſhall happen, the ſame ſhall be pro- ded for, anſwered and made good by and out of the next aids be granted by parliament. Duties deficient to be made good out of the next aids.

CAP. VIII.

n act for continuing ſeveral impoſitions and duties, to raiſe money by way of loan; and for exporting Britiſh *copper and braſs wire duty-free; and for circulating a further ſum in Exchequer bills, in caſe a new contract be made in that behalf; and concerning the oaths to be adminiſtred in relation to* Italian *thrown ſilks, and touching oils and plantation goods of foreigners, taken or to be taken as prize; and concerning drugs of* America *to be imported from her Majeſty's plantations; and for appropriating the monies given in this ſeſſion of parliament; and for making out debentures for two tranſport ſhips in this act named; and to allow a further time for regiſtring certain debentures, and for relief of perſons who have loſt ſuch tickets, Exchequer bills, debentures, tallies, or orders, as in this act are mentioned.*

MOST gracious ſovereign, we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled for the better enabling your Majeſty to defray the expences of the preſent war, and for other your Majeſty's moſt neceſſary and important occaſions, have cheerfully and unanimouſly given and granted, and do by this act give and grant to your Majeſty the ſeveral and reſpective ſubſidies, impoſitions, and duties herein after particularly deſcribed, for and during the terms herein after expreſſed, and do moſt humbly beſeech your Majeſty, that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſeveral impoſitions and duties upon wines and vinegar granted by an act made in the firſt year of the reign of his late majeſty King *James* the Second, Duties on wines and vinegar continued to

1 Auguſt, 1716. 1 Ja. 2. c. 3. Farther continued by 1 Annæ, c. 13. and made perpetual by 9 Annæ, c. 21. ſ. 1.

intituled, *An act for granting to his Majeſty an impoſition upon all wines and vinegar imported between the twenty fourth day of* June, *one thouſand ſix hundred eighty five, and the twenty fourth day of* June, *one thouſand ſix hundred ninety three*, which ſaid act, by ſeveral ſubſequent acts of parliament ſince made, was continued, and is to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall by virtue of this act, be further continued and be payable to her Majeſty, her heirs and ſucceſſors, for and upon all wines and vinegar which ſhall be imported into *Great Britain*, from the laſt day of *July*, one thouſand ſeven hundred and fourteen, to the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and no longer; and that the ſaid act ſo made in the firſt year of the reign of the ſaid late King *James* the Second, and all powers, proviſions, penalties, articles, and clauſes therein contained, for or concerning the ſaid impoſitions on wines and vinegar, ſhall continue and be in full force and effect, untill the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and ſhall be applied, practiſed, and executed for raiſing, levying, collecting, anſwering, and paying the ſaid duties upon wine and vinegar hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as fully, to all intents and purpoſes, as if all and every the clauſes, matters, and things in the ſaid act of the firſt year of the reign of the ſaid King *James* the Second contained, had been again in this act repeated, and particularly enacted.

1 Ja. 2. c. 3.

Duties on tobacco continued to 1 Auguſt, 1716 2 Ja. 2 c. 4. *Farther continued by* 8 Annæ, c. 13. *and made perpetual by* 9 Annæ, c. 21. ſ. 1.

II. And be it further enacted by the authority aforeſaid, That the rates, duties, and impoſitions upon all ſorts of tobacco, granted by an act made in the firſt year of the reign of the ſaid late King *James* the Second, intituled, *An act for granting to his Majeſty an impoſition upon all tobacco and ſugar imported between the twenty fourth day* June, *one thouſand ſix hundred eighty five, and the twenty fourth day of* June, *one thouſand ſix hundred ninety three*, which ſaid act, as for and concerning the ſaid duties and impoſitions upon tobacco only, by ſeveral ſubſequent acts of parliament ſince made, was continued, and is to continue until the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall, by virtue of this act, be further continued and paid unto her Majeſty, her heirs and ſucceſſors, for and upon all tobacco to be imported into *Great Britain*, from the laſt day of *July*, one thouſand ſeven hundred and fourteen, to the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and no longer.

Duties on tobacco to be levied, &c. as by 7 & 8 W. 3. c. 10.

III. Provided always, and be it enacted and declared by the authority aforeſaid, That the ſaid duty upon tobacco which ſhall be imported within the times by this act limited, and all arrears thereof, ſhall be ſecured, collected, raiſed, levied, anſwered, and paid to her Majeſty in ſuch method, and with ſuch diſcount and allowances, and according to ſuch rules and directions as are mentioned, referred to, or preſcribed (as to the duties or impoſitions upon tobacco) in and by the act made in the parliament holden in the ſeventh year of the reign of

King

King *William* the Third, of glorious memory, intituled, *An act for continuing ſeveral duties, granted by former acts upon wines, vinegar, and tobacco, and* Eaſt India *goods, and other merchandizes imported, for carrying on the war againſt* France, and not otherwiſe. 7 W. 3. c. 10.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral additional and other rates, impoſitions, duties, and charges upon the ſeveral ſorts of goods and merchandizes, granted by an act made in the ſecond year of the reign of King *William* the Third and Queen *Mary*, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and merchandizes, and upon all wrought ſilks, and ſeveral other goods and merchandizes to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety*, and which hereby, and by ſeveral acts of parliament already made, have continuance until the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall be further continued and paid to her Majeſty, her heirs and ſucceſſors, for and upon the like commodities to be imported into *Great Britain*, from the laſt day of *July*, one thouſand ſeven hundred and fourteen, to the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and no longer; and that the ſaid act made in the ſecond year of their late Majeſties reign, concerning *Eaſt India* goods and other things therein charged, and all powers, proviſions, penalties, articles, and clauſes therein contained, ſhall continue and be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and ſhall be applied, practiſed, and executed for the raiſing, levying, collecting, anſwering, and paying the ſaid reſpective duties hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as fully, and to all intents and purpoſes, as if the ſaid laſt-mentioned act, and all and every the clauſes, matters, and things therein contained, had been again repeated and particularly enacted (except only as to ſuch part of the ſaid acts, concerning the ſaid impoſitions of wines, vinegar, tobacco, *Eaſt India* goods, and other merchandizes imported, touching which other proviſions or alterations are made by any act or acts of parliament now in force, which other proviſions or alterations are to be obſerved, and to continue during the continuance of this preſent act) and the ſaid act, intituled, *An act for continuing ſeveral duties granted by former acts upon wine and vinegar, and upon tobacco, and* Eaſt India *goods, and other merchandizes imported, for carrying on the war againſt* France, and every article, clauſe, matter, and thing therein contained, for the raiſing, levying, ſecuring, anſwering, and paying the impoſitions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, ſhall be of full force and effect, until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen.

Old impoſt continued till 1 Auguſt, 1716. 2 W. & M. ſſ. 2. c. 4. Farther continued by 8 Annæ, c. 13. and made perpetual by 9 Annæ, c. 21. ſ. 1.

7 W. 3. c. 10.

V. And be it further enacted by the authority aforeſaid, That the additional and other rates, duties, impoſitions, and charges

Additional impoſitions

continued to 1 Auguſt, 1716. 4 & 5 W. & M. c. 5. *Farther continued by* 8 Annæ, c. 13. *and made perpetual by* 9 Annæ, c. 21. ſ. 1.

charges upon the ſeveral ſorts of goods and merchandizes, granted by an act of parliament made in the fourth year of their ſaid late Majeſties reign, intituled, *An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes, for proſecuting the preſent war againſt* France, which by ſeveral ſubſequent acts of parliament already made, have continuance until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall, by virtue of this act, be further continued, and be paid and payable to her Majeſty, her heirs and ſucceſſors, throughout *Great Britain*, from the laſt day of *July*, one thouſand ſeven hundred and fourteen, to the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and no longer; and that the ſaid act laſt-mentioned, and all powers, proviſions, penalties, articles, and clauſes therein contained (except as herein after is excepted and provided) as for, and concerning the ſaid rates, duties, and impoſitions, ſhall continue and be of full force and effect until the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, and all arrears thereof, according to the tenor and intent of this preſent act, as if the ſaid laſt-mentioned act, and all and every the clauſes, matters, and things therein contained, had been again repeated and particularly enacted in this preſent act: provided alſo, That in all caſes where any other proviſion or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the ſaid act of parliament for the impoſitions laſt-mentioned, ſuch other proviſions or alterations ſhall be obſerved during the continuance of the term hereby granted; any thing herein contained to the contrary notwithſtanding.

Duties on whale fins continued to 1 Auguſt, 1716. 9 & 10 W. 3. c. 45. *Farther continued by* 8 Annæ, c. 13. *and made perpetual by* 9 Annæ, c. 21. ſ. 1.

VI. And it is hereby further enacted, That the ſeveral impoſitions and duties, for and upon all whale fins imported, which by an act of parliament in the ninth year of the reign of his ſaid late majeſty King *William* the Third, intituled, *An act for taking away half the duties impoſed on glaſs wares, and the whole duties lately laid on ſtone and earthen wares, and tobacco pipes and for granting in lieu thereof new duties on whale fins and* Scotch *linnen*, were granted to his ſaid late majeſty King *William*, and by ſubſequent acts already paſſed, have continuance until the firſt day of *Auguſt*, one thouſand ſeven hundred and fourteen, ſhall be, and are hereby continued and payable to her Majeſty, her heirs and ſucceſſors, upon all whale fins to be imported into *Great Britain*, from the laſt day of *July*, one thouſand ſeven hundred and fourteen, to the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen, and no longer; and ſhall be raiſed, levied, collected, and paid in ſuch manner and form, and by ſuch ways and means, and under ſuch penalties, as are mentioned in the ſaid act for granting the ſaid impoſitions on whale fins and *Scotch* linen; which act, with all the powers, proviſoes, penalties, articles, and clauſes therein contained, or thereby referred, ſhall continue and be in full force until the ſaid

ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixteen; and ſhall be applied, practiſed, and put in execution for raiſing, and levying the ſaid duties on whale fins hereby continued, and all arrears thereof, as fully and effectually as if all the clauſes, matters, and things therein contained concerning the ſaid duties on whale fins were repeated, and again enacted in the body of this preſent act.

VII. *And whereas the ſaid impoſitions on wines, vinegar, and tobacco, which were firſt granted to King* James *the ſecond, in the firſt year of his reign, and the ſaid impoſitions on* Eaſt India *goods, and other goods charged therewith, which were firſt granted to their late majeſties King* William *and Queen* Mary *in the Second year of their reign, and the ſaid additional impoſitions which were firſt granted to them in the fourth year of their reign, and the ſaid duties on whale fins imported, which were granted to his ſaid late majeſty King* William *in the ninth year of his reign, were by ſeveral ſubſequent acts of parliament continued (with ſome exceptions and alterations) as aforeſaid, until the ſaid firſt day of* Auguſt, *one thouſand ſeven hundred and fourteen, in the manner therein mentioned, and are thereby made ſubject and liable (together with ſuch other duties as are therein expreſſed) to the ſatisfaction of ſeveral principal ſums which were borrowed, or authorized to be borrowed upon thoſe acts reſpectively, and the intereſt due, and to be due for the ſame, which principal and intereſt are to be duly paid off and diſcharged in the firſt place*; now it is hereby further declared and enacted by the authority aforeſaid, That from and immediately after the time that all the principal and intereſt monies which by the ſaid former acts, or any of them, are charged and chargeable on the ſeveral impoſitions and duties laſt particularly mentioned (jointly with other duties) as aforeſaid, ſhall be fully paid off and ſatisfied according to the true meaning of the ſaid former acts, or that ſufficient money ſhall be reſerved in the Exchequer for that purpoſe, then all the monies which from thenceforth ſhall ariſe by the ſaid impoſitions upon wines, vinegar, and tobacco, which were firſt granted to King *James* the Second in the firſt year of his reign, and the ſaid impoſitions on *Eaſt India* goods, and other goods charged therewith, which were firſt granted to their late majeſties King *William* and Queen *Mary*, in the ſecond year of their reign, and the ſaid additional impoſitions which were firſt granted to them in the fourth year of their reign, and the ſaid duties on whale fins imported, which were granted to his late majeſty King *William* in the ninth year of his reign, for the remainders of the terms formerly granted, and therein then to come and unexpired (except the neceſſary charges of raiſing, levying, collecting, and accounting for the ſame) ſhall, from time to time, be paid into the receipt of the Exchequer diſtinctly for the purpoſes in this act expreſſed, and for no other uſe, intent, or purpoſe whatſoever.

1 Ja. 2. c. 3. 2 W. & M. ſt. 2. c. 4. 4 & 5 W. & M. c. 5. 9 & 10 W. 3. c. 45.

After the principal, &c. of the former acts are diſcharged, the ſeveral duties appropriated for the uſes of this act.

VIII. *And whereas it is found by experience, That the duties upon the exportation of copper of the produce and growth of* Great Britain, *and upon braſs wire made in* Great Britain, *have annually produced very*

Britiſh copper and braſs wire to be exported duty-free.

very inconſiderable ſums, and nevertheleſs do hinder the exportation of ſuch copper wire, to the prejudice of this nation; be it therefore enacted by the authority aforeſaid, That no ſubſidies or other duties ſhall be due or payable by any act or acts of parliament whatſoever upon the exportation of any ſuch copper or wire, which from and after the firſt day of *May*, one thouſand ſeven hundred and nine, ſhall be exported to or for any parts beyond the ſeas; any law or ſtatute whatſoever to the contrary notwithſtanding.

7 Annæ, c. 7. IX. *And whereas the governor and company of the bank of* England *have undertaken the circulation of Exchequer bills, amounting to two millions and five hundred thouſand pounds, for her Majeſty's ſupply, in ſuch manner and form, and upon ſuch terms and advantages as are mentioned or intended by another act of this ſeſſion of parliament in that behalf*; now it is hereby provided, *&c.*

The bank may agree to circulate further Exchequer bills for 612,739l. &c. with the ſame advantages, &c. as by the former act, &c. oath upon importing Italian thrown ſilk, to be made before the collector, &c. Oils and plantation goods of foreigners, taken as prize, to pay cuſtoms, purſuant to her Majeſty's declaration, 12 May, 2 Annæ. EXP.

1 Annæ, ſtat. 1. c. 27.
6 Annæ, c. 19.

Drugs of America may be imported from her Majeſty's plantations.

XII. And be it enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, one thouſand ſeven hundred and nine, *Jeſuits Bark*, *Sarſaparilla*, balſam of *Peru* and *Tulu*, and all other drugs of the growth and product of *America*, may be imported from any of her Majeſty's plantations in *America*, in ſhips regularly manned and navigated, paying the ſame duty, and no more, as if they were imported directly from the place of their growth; any law or ſtatute to the contrary notwithſtanding.

Clauſe of loan for 645,000l.

XIII. Provided always, and it is hereby enacted by the authority aforeſaid, That it ſhall and may be lawful, to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to advance or lend to her Majeſty at the receipt of her Majeſty's Exchequer, as well upon credit of the ſeveral impoſitions and duties by this act granted or continued, as alſo upon credit of the monies which by the ſaid former acts, after ſatisfaction of the principal and intereſt thereupon, as aforeſaid, ſhall ariſe by the impoſitions and duties thereby granted, any ſums which ſhall not exceed in the whole ſix hundred forty five thouſand pounds, for the ſervice of the war, and other her Majeſty's occaſions; and moreover, the treaſurer of the Exchequer for the time being, or any three or more of the commiſſioners of the treaſury for the time being, are hereby authorized and directed to cauſe the officers of the ſaid receipt of Exchequer, to receive from time to time, by way of loan, from any perſon or perſons, bodies politick or corporate, willing to make the ſame at the ſaid receipt, any further ſum and ſums of money, over and above the ſaid ſums not exceeding ſix hundred forty five thouſand pounds, as ſhall be ſufficient to make good the payment of all the intereſt monies appointed or allowed by this act, every three months, until the ſaid impoſitions and duties

and of a further ſum for making good the intermediate intereſt,

ariſing

ariſing by this or by the ſaid former acts, or any of them firſt happening, ſhall come into the Exchequer, and be ſufficient for that purpoſe, purſuant to the intent and meaning of this act; and that all the lenders as well of the ſaid ſums not exceeding ſix hundred forty five thouſand pounds, as of the ſaid further ſums for making good the payment of the intermediate intereſt, as aforeſaid, ſhall have and receive intereſt for the forbearance thereof, after the rate of ſix pounds *per centum per annum*, and that no money to be lent upon the ſecurity of this act, ſhall be taxed, rated, or aſſeſſed by any act of parliament whatſoever.

at 6 per cent. tax-free.

Lenders to have tallies ſtruck, &c. Orders to be paid in courſe, &c. No fee, &c. to be taken. Penalty. Tallies of the ſame date no undue preference. No penalty to incur, if ſubſequent orders be firſt paid. Orders aſſignable. EXP.

XVIII. *And whereas in and by one act of the fifth year of her Majeſty's reign, a credit was given for any ſums not exceeding eight hundred twenty two thouſand three hundred eighty one pounds, fifteen ſhillings, and ſix pence farthing; and by another act of the ſixth year of her Majeſty's reign, a further credit was given for any ſums not exceeding ſeven hundred twenty nine thouſand ſixty ſeven pounds, fifteen ſhillings, and ſix pence three farthings, to be borrowed upon thoſe acts reſpectively, at an intereſt after the rate of ſix pounds* per centum per annum, *upon the ſeveral ſubſidies, impoſitions, and duties in the ſame acts reſpectively mentioned; and the lord high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, are by the ſame acts reſpectively authorized and directed to cauſe the officers of the Exchequer to receive, from time to time, by way of loan, at the like intereſt at the ſaid receipt, any further ſum or ſums of money as ſhould be ſufficient to make good the payment of all the intereſt monies, appointed or allowed by the ſame acts reſpectively, every three months, until the ſubſidies, impoſitions, and duties therein mentioned, ſhould come into the Exchequer, and be ſufficient for that purpoſe, purſuant to the intent and true meaning of the ſame acts reſpectively:* now it is hereby provided and enacted by the authority aforeſaid, That nothing in this act contained ſhall extend or be conſtrued to extend to the taking away, altering, or leſſening the ſaid power and direction of borrowing monies to make good the payment of the ſaid intereſt monies every three months, until the ſaid ſubſidies, impoſitions, and duties in the ſaid reſpective acts mentioned ſhall come in, and be ſufficient for that purpoſe, as aforeſaid, or in any wiſe to alter or prejudice the ſecurity given by the ſaid ſeveral acts of the fifth and ſixth years of her Majeſty's reign, or either of them, for the repayment and ſatisfaction of the ſame, or any other the principal and intereſt monies, which were ſecured or intended to be ſecured by the ſame acts reſpectively, but that the orders for the ſame ſhall be regiſtered in courſe, and paid in the ſame manner upon each of thoſe acts, as if this act had never been made; this preſent act, or

5 Annæ, c. 27. 6 Annæ, c. 22.

This act not to prejudice the ſecurity of the acts above-mentioned.

acts,

any thing therein contained, or any other matter or thing whatſoever to the contrary in any wiſe notwithſtanding.

Clauſe of appropriation.

XIX. And be it enacted by the authority aforeſaid, That all the monies lent and to be lent unto her Majeſty on one act of this 7 Annæ, c. 1. ſeſſion of parliament, intituled, *An act for granting an aid to her Majeſty to be raiſed by a land tax in* Great Britain, *for the ſervice of the year one thouſand ſeven hundred and nine*, and ſo much money (if any ſuch be) of the tax thereby granted, as ſhall ariſe and remain after all the loans made, or to be made upon that act, and the intereſt thereof, and the charges thereby allowable for the raiſing the ſaid tax, ſhall be ſatisfied, or money ſufficient ſhall be reſerved to diſcharge the ſame; and all the money lent and to be lent unto her Majeſty upon one other act of this ſeſſion 7 Annæ, c. 3. of parliament, intituled, *An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and nine*, and ſo much money of the ſaid duties of malt, mum, cyder, and perry thereby granted, as ſhall ariſe and remain after all the loans made, or to be made upon that act, or thereby transferred, or directed to be transferred thereunto, and the intereſt thereof, and the charges thereby allowable for raiſing the ſaid duties thereby granted, ſhall be ſatisfied, or money ſufficient ſhall be reſerved to diſcharge the ſame; and the ſums payable by the governor and company of the bank of *England*, for or upon account of the ſum of four hundred thouſand pounds to be advanced by way of diſcount, according to another act of this ſeſſion 7 Ann. c. 7. of parliament, intituled, *An act for enlarging the capital ſtock of the bank of* England, *and for raiſing a further ſupply, granted to her Majeſty for the ſervice of the year one thouſand ſeven hundred and nine*, and the Exchequer bills not exceeding two millions five hundred thouſand pounds iſſuable by that act, for her Majeſty's ſupply; and the ſums intended to be raiſed by loans and Exchequer bills, by or in purſuance of this preſent act; ſhall be appropriated, iſſued, and applied, and the ſame are hereby appropriated, for or towards the ſeveral uſes and purpoſes herein after expreſſed; that is to ſay, for or towards the defraying the charges of the ordinary of her Majeſty's navy, and for victuals, wages, wear and tear, and other ſervices of the navy, and the victualling thereof, performed and to be performed; and for the ſea ſervice in the office of the ordnance, performed and to be performed; and for and towards the land ſervice performed and to be performed by the office of the ordnance; and to and for ſubſiſtence, off-reckonings and clearings for one year, from the three and twentieth day of *December*, one thouſand ſeven hundred and eight, to her Majeſty's guards and garriſons in *Great Britain*, and the contingent charges of the ſame, and for payment of invalids for the ſaid year, beginning from the ſaid three and twentieth day of *December*, one thouſand ſeven hundred and eight; and for or towards the defraying the charges of her Majeſty's army, and ſuch forces as are or ſhall be added thereunto, in the low countries or *Germany*, within, or for one year, to be reckoned from the ſaid three and twentieth day of *December*,

ber, one thouſand ſeven hundred and eight, and the contingent charges thereunto belonging; and for and towards her Majeſty's proportion of the charge of three thouſand *Palatines*, formerly taken into the ſervice of her Majeſty and the *States General*, for the year one thouſand ſeven hundred and nine; and for or towards her Majeſty's proportion of the charge of four thouſand ſix hundred thirty nine *Saxons*, formerly taken into the ſervice of her Majeſty and the *States General*, for the year one thouſand ſeven hundred and nine; and for and towards her Majeſty's proportion of the charge of *Bothmar's* regiment of dragoons, conſiſting of eight hundred men, formerly taken into the ſervice of her Majeſty and the *States General*, for the year one thouſand ſeven hundred and nine; and for defraying her Majeſty's proportion of the charge for augmenting the troops, which have been reſolved for acting in conjunction with her allies in *Flanders*, for the ſervice of the year one thouſand ſeven hundred and nine; and for defraying the charge of maintaing the forces in her Majeſty's pay to ſerve in *Spain* and *Portugal*, for the ſervice of the ſaid year one thouſand ſeven hundred and nine; and for or towards the payment of her Majeſty's proportion of the ſubſidies due upon treaties made or to be made with her Majeſty's allies, and other charges for the ſervice of the war, for any time before, or until the five and twentieth day of *December*, one thouſand ſeven hundred and nine; and for and towards the payment of a year's intereſt further on the unſatisfied debentures, charged upon the *Iriſh* forfeitures; and for or towards the tranſporting of land forces performed and to be performed; and for or towards diſcharging the premiums and other charges, for circulating the old Exchequer bills for another year; and for or towards the defraying extraordinary charges of the war already incurred, and not before this time provided for by parliament; and for making good ſuch payments as by another act of this ſeſſion of parliament are to be made, as well for diſcharging the allowances for or upon the exportation from *Scotland*, of fiſh, beef, and pork cured with foreign ſalt, imported before the firſt day of *May*, one thouſand ſeven hundred and ſeven, as alſo to pay for ſuch ſalt ſo imported, and ſtill remaining in the hands of her Majeſty's ſubjects there; and for payment of the general officers ſerving in *Flanders* in the years one thouſand ſeven hundred and eight, and one thouſand ſeven hundred and nine, according to the ſtations in which they have or ſhall have ſerved by their reſpective commiſſions; and to no other uſes, intents, and purpoſes whatſoever. Provided always, That out of the monies to be iſſued to the guards and garriſons, as aforeſaid, there ſhall and may be taken and applied any ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, towards the charge of maintaining the ſoldiers raiſed and to be raiſed for ſea ſervice, with their officers, and the contingent charges thereunto belonging; and out of the monies to be iſſued for the ſervice of the navy and ſea ſervice, as aforeſaid, there ſhall be taken and

applied

applied ſuch ſums, as together with the ſaid ſum not exceeding eighty ſeven thouſand one hundred twenty five pounds, ten ſhillings, ſhall be neceſſary for the charge of maintaining the ſaid ſoldiers for ſea ſervice, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithſtanding.

13 & 14 W. 3. c. 1. XX. *And whereas by an act of parliament made in the thirteenth year of the reign of his late majeſty King* William *the Third, of glorious memory, intituled,* An act for reviving and continuing an act, intituled, An act for the appointing the commiſſioners to take, examine, and determine the debts due to the army, navy, and for tranſport ſervice, and alſo an account of the prizes taken during the late war, *the commiſſioners thereby appointed to ſtate and determine the debts due for the hire and freight of the ſhip* Robert *and* James, *and the ſhip* John's Adventure, *taken up for tranſport ſervice in the year one thouſand ſix hundred ninety and three, and prepared tickets, bills, certificates, or debentures for the ſame; which tickets, bills, certificates, or debentures were not ſigned by the ſaid commiſſioners, the maſters or proprietors of the ſaid ſhips not demanding the ſame before the expiration of the ſaid commiſſion*; be it therefore enacted, *&c.*

Debentures to be made out for the ſhips Robert and James, and John's Adventure. Iriſh debentures loſt, upon oath before a baron, &c. and ſecurity, treaſury may grant duplicates. Time allowed for regiſtering army debentures till 29 Sept. 1709. EXP.

XXIII. *And whereas ſeveral tickets, commonly called* Million Lottery Tickets, *and* Malt Lottery Tickets, *which are ſtill unpaid, and ſeveral bills called* Exchequer Bills, *not yet diſcharged, alſo divers ſorts of bills or certificates, commonly called* Debentures, *made forth for arrears due to the army, and for tranſport ſervices, not being applied to the purchaſing of any of the forfeited eſtates in* Ireland, *or otherwiſe diſcharged, and alſo divers tallies and orders for payment of annuities granted by act of parliament, are by caſualty or miſchance, loſt, burnt, or otherwiſe deſtroyed*; be it hereby further enacted, *&c.*

The barons of the Exchequer, on affidavit made before them, that any lottery tickets, Exchequer bills, debentures, &c. are loſt, ſhall give a certificate thereof, and the reſpective officers, on ſecurity given to indemnify them, ſhall make forth duplicates of ſuch tickets, &c. and in default of ſuch officer, the lord treaſurer, &c. ſhall order ſuch duplicates to be made forth. All which ſhall be done without fee, &c. EXP.

CAP. IX.

An act for giving the commiſſioners of ſewers for the city of London *the ſame powers as the commiſſioners of ſewers for counties have; and to oblige collectors for the ſewers to account.*

29 Car. 2. c. 3. WHEREAS *by an act of parliament made in the nineteenth year of the reign of our ſovereign lord* Charles *the Second, intituled,* An act for rebuilding the city of *London, it is amongſt other*

ther things enacted, That the number and places for all common ſew-rs, and vaults, and drains, and the order and manner of paving and itching the ſtreets and lanes within the ſaid city and liberties, ſhall be eſigned and ſet out by ſuch and ſo many perſons, as the mayor, alder-men, and commons of the ſaid city in common council aſſembled, ſhould uthorize and appoint under their common ſeal, or the more part of hem; to which perſons ſeveral powers and authorities are thereby iven, for the ends in the ſaid act mentioned: and it is thereby enact-d, That all other commiſſioners whatſoever, be altogether ſuſpended rom intermeddling in the premiſſes for the ſpace of ſeven years, and or ſo long after, until the intended buildings of the ſaid city ſhould be ully finiſhed; any law or ſtatute to the contrary notwithſtanding: and 22 & 23 Car. 2. c. 17.
whereas by another act made in the two and three and twentieth years f the reign of the ſaid King, it is enacted and declared, That the ſaid auſe or branch of the ſaid act herein before recited, ſhould remain nd continue in force, and be made perpetual, and the powers and au-horities thereby given and appointed to be executed by ſuch perſons as hould in that behalf be authorized and appointed by the ſaid mayor, ldermen, and commons in common council aſſembled, according to the enor thereof, under their common ſeal, or any ſeven or more of them, hould and might for ever thereafter be put in execution, according to he purport and effect of the aforeſaid act: and that no other com-iſſioner, or any other perſon whatſoever, ſhould at any time then after ntermeddle in the premiſſes, within the ſaid city and liberties thereof; ny law or ſtatute to the contrary notwithſtanding: and whereas ſome loubts have ariſen whether the ſaid perſons ſo authorized have the like owers and authorities veſted in them, as commiſſioners of ſewers, by irtue of their commiſſion, and of the laws and ſtatutes of this realm, ave in any county within that part of Great Britain *called* Eng-and; for explaining the ſame, and for remedying the miſchiefs erein after mentioned, be it declared and enacted by the Queen's moſt excellent majeſty, by and with the advice and onſent of the lords ſpiritual and temporal, and of the com-nons, in parliament aſſembled, and by the authority of the ame, That the ſaid perſons ſo, as aforeſaid, authorized and ap-ointed by the mayor, aldermen, and commons of the ſaid city f *London* in common council aſſembled, or that ſhall hereafter n like manner be authorized and appointed for the purpoſes in he ſaid recited acts mentioned, have of right exerciſed and put n practice, and ſhall or may, for the time to come, exerciſe and ut in practice, within the ſaid city of *London*, and liberties of he ſame, all and every the powers and authorities given to and eſted in any commiſſioners of ſewers in any other county or lace, by force and virtue of any the laws and ſtatutes of this ealm, or of any commiſſion to them granted, purſuant to the ame, and ſhall be deemed and taken to be commiſſioners of ewers within the limits aforeſaid, ſubject nevertheleſs to the imitations and directions of the ſaid ſtatute of the two and three nd twentieth years of the reign of our ſaid late ſovereign King *Charles* the Second.

The perſons authorized by the mayor, &c. of London, have and ſhall exerciſe in London, &c. all the powers given to commiſſioners of ſewers, in any other county or place; but ſubject to the act of 22 & 23 Car. 2. c. 17.

Collectors of the rates refuſing on notice to appear before the commiſſioners and to give an account on oath, or neglecting to collect, &c. or to pay the money collected, ſhall forfeit 10l. to be levied by diſtreſs, &c.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons appointed by the ſaid laſt-mentioned ſtatute to be collectors of the rates and duties that ſhall be aſſeſſed, according to the directions of the ſaid ſtatute, for the ends and purpoſes therein contained, ſhall neglect or refuſe, upon due notice to him or them given, to appear before the ſaid commiſſioners, at the place of their publick meetings, and give a juſt and true account, upon oath, of all monies by him or them collected and received for the purpoſes aforeſaid, which oath the ſaid commiſſioners, or any ſeven of them, at any their publick meetings, according to the directions of the ſaid ſtatute, are hereby authorized and impowered to adminiſter, or ſhall neglect or refuſe to collect ſuch ſum or ſums as ſhall be ſpecified in a roll delivered to him, or ſhall neglect or refuſe to pay ſuch money ſo collected, as upon ſuch account ſhall appear to be in his hands, into the chamber of the ſaid city, according to the directions of the ſaid act, every perſon ſo neglecting or refuſing to appear, collect, or pay, ſhall forfeit and pay, for every ſuch offence, a ſum not exceeding ten pounds, over and above what money he ſhall be chargeable with, to be ſet and impoſed by the ſaid commiſſioners, or any ſeven of them; which ſaid penalties, and all other fines that be ſet and impoſed by the ſaid commiſſioners, purſuant to the authority to them given, ſhall be levied by diſtreſs and ſale of the goods of the perſon ſo offending, by warrant under the hands and ſeals of the ſaid commiſſioners, or any ſeven of them, rendring the overplus, (if any be) after the charges of ſuch diſtreſs and ſale deducted, to the owner of the ſaid goods; all which fines and ſums of money, and all other fines to be ſet and impoſed by the ſaid commiſſioners, ſhall be paid into the chamber of *London*, and applied for and towards the maintaining, repairing, cleanſing, and ſcouring the publick drains and ſewers within the ſaid city and liberties thereof.

To be paid into the chamber of London, and applied to the maintaining the ſewers.

This act not to extend to the conſervatorſhip of the Thames.

III. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained, ſhall be adjudged, deemed, or taken to extend to the conſervatorſhip of the river of *Thames*, or to give any juriſdiction to the ſaid commiſſioners to intermeddle with the ſame, or to alter the powers or authorities of the lord mayor of the city of *London* for the time being, touching the ſame, but the ſame ſhall or may continue to be managed, executed, and done, as before the making of this act; any thing herein before contained to the contrary hereof in any wiſe notwithſtanding.

If any action be brought for what is done in purſuance of this act, the defendant may plead the general iſſue, and

IV. And be it further enacted, That if any action, ſuit, plaint, or information, ſhall at any time after the firſt day of *May*, one thouſand ſeven hundred and nine, be commenced, ſued or proſecuted againſt any perſon or perſons for what he or they ſhall do, in purſuance of any of the recited acts, or this act, ſuch perſon or perſons ſo ſued or proſecuted in any court whatſoever, ſhall or may plead the general iſſue, and upon iſſue joined, may give the ſaid acts, or this act, or any of them, and the

ſpecial

special matter, as the case may require, in evidence; and if the plaintiff or prosecutor become nonsuit, or suffer discontinuance, or if a verdict pass against him, her, or them, the defendant or defendants shall recover treble costs, for which they shall have the like remedy as in any case where costs by law are given to defendants. shall recover treble costs.

V. And it is also enacted, That this act, and the said recited acts, shall be deemed and taken for publick acts. All the said acts to be taken as publick acts. 19 Car. 2. c. 3. 22 & 23 Car. 2. c. 17.

CAP. X.

An act for rendring more effectual the laws concerning commissions of sewers.

WHEREAS *by the laws now in force concerning commissions of sewers it is provided, That if any person or persons being assessed or taxed to any lot or charge for any lands, tenements, or hereditaments within the limits of any such commission, do not pay the said lot and charge, according to the order and assignment of the commissioners, having power of the execution of the said commission, that then the said commissioners for lack of payment of such lot and charge, may decree and ordain the said lands and tenements from the owner or owners thereof, and their heirs, and the heirs of every of them, to any person or persons, for term of years, term of life, fee-simple, or fee-tail, for payment of the same lot and charge, the said decrees and ordinances to be executed in such manner, as by the said laws now in force is directed and appointed: and it is thereby provided, That the same decrees and ordinances shall bind all and every person and persons, that at the making of the same decree had any interest in such lands, tenements, and hereditaments, in use, possession, reversion, or remainder, their heirs and feoffees, and every of them; and shall also bind as well the lands, tenements, and hereditaments of the King of* England, *as all and every other person and persons and their heirs, and such their interest, as they shall fortune to have in any lands, tenements, and hereditaments, or other casual profit, advantage, or commodity whatsoever they be, whereunto the said laws, ordinances, and decrees shall in any wise extend, according to the true purport, meaning, and intent of the said laws; but the said laws of sewers now in force, have been found defective, in that sufficient power and authority is not thereby given to commissioners of sewers, to make sale of copyhold or customary lands within the limits of their commission for the causes aforesaid;* for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and nine, it shall and may be lawful to and for the commissioners authorized by commission from her Majesty, her heirs and successors, or any six or more of them, to put in execution the laws now in force concerning sewers, for non-payment of any lot or charge assessed or charged upon any copyhold or customary lands within the limits of their commission, and by Preamble reciting the laws in force concerning commissions of sewers. After 25 March, 1709. commissioners of sewers may for non-payment of any lot assessed on copyhold lands, decree the same from the owners, &c.

the power and authority of the ſaid commiſſion of ſewers, to decree and ordain the ſaid copyhold or cuſtomary lands ſo charged from the owner or owners, and their heirs, and the heirs of every of them, to any perſon or perſons, for ſuch eſtate and intereſt therein, as the ſaid owner or owners thereof, or any claiming in remainder under them, at the time of ſuch decree made, had in the ſame copyhold lands, tenements, and hereditaments; the ſaid decrees to be made and executed, as decrees concerning freehold lands are, by the ſaid laws now in force, to be made and executed.

The ſaid decrees to be executed as decrees concerning freeholds.

II. Provided always, That all and every perſon or perſons, to whom any ſuch ſale of copyhold or cuſtomary lands or tenements ſhall be made, ſhall before ſuch time as they or any of them ſhall enter, or take any profit of the ſame lands or tenements, agree and compound with the lords of the manors, of whom the ſame ſhall be holden, for ſuch fines or incomes, as heretofore hath been moſt uſual and accuſtomed to be yielded or paid therefore; and that upon every ſuch agreement or compoſition, the ſaid lords for the time being, at the next court to be holden at or for the ſaid manors, ſhall not only grant to ſuch vendee or vendees upon requeſt, the ſame copyhold or cuſtomary lands or tenements by copy of court roll of the ſaid manors, for ſuch eſtate or intereſt as to them ſhall be ſo decreed or ſold, and reſerving the ancient rents, cuſtoms, and ſervices, but alſo ſhall in the ſame court admit them tenants of the ſame copyhold or cuſtomary lands, as other copyholders of the ſame manors have been wont to be admitted, and to receive their fealty accordingly.

The buyers of ſuch copyhold lands to agree with the lords of whom holden, for the accuſtomed fines, and the lords to admit them tenants.

III. And be it further enacted and declared, That it ſhall and may be lawful to and for the commiſſioners of ſewers, or any ſix or more of them, by warrant under their hands and ſeals, to give authority to any perſon or perſons, to levy the ſums of money by them, from time to time, to be aſſeſſed or taxed upon the lands, meadows, mariſhes, or grounds, liable or chargeable with any ſeſſes, taxes, impoſitions, or charges, by authority of their ſaid commiſſion, by diſtreſs and ſale of the goods of ſuch perſon or perſons that ſhall not pay, or refuſe to pay the ſame; and the overplus of the money ariſing upon ſuch ſale, after deduction of the reaſonable charges of making ſuch diſtreſs and ſale, ſhall be reſtored to the owner or owners of the goods ſo diſtrained.

Six of the commiſſioners may by warrant impower any perſon to levy the aſſeſſments by diſtreſs and ſale. The overplus to be reſtored to the owner.

CAP.

CAP. XI.

An act for ascertaining and directing the payment of the allowances to be made for or upon the exportation from Scotland, *of fish, beef, and pork, cured with foreign salt imported before the first day of* May, *one thousand seven hundred and seven; and for disposing such salt still remaining in the hands of her Majesty's subjects there; and for ascertaining and securing the allowances for fish and flesh exported, and to be exported from* Scotland *for the future.*

WHEREAS *certain quantities of white herrings, and of salmon, codfish, beef and pork, cured with foreign salt only, which was imported into* Scotland *before the first day of* May, *one thousand seven hundred and seven (at which time the happy union of the two kingdoms of* England *and* Scotland *took effect) have been, since the said first day of* May, *one thousand seven hundred and seven, exported from several parts of* Scotland, *such herrings, salmon, and codfish respectively, having been first duly pined, cured, and packed for exportation with the said foreign salt only, without any mixture of* British *or* Irish *salt, according to the laws and acts of parliament formerly made in* Scotland, *and still in force in that behalf; and the said beef and pork having been also first duly salted with the said foreign salt without mixture, as aforesaid, and exported for sale only; and on the five and twentieth day of* March, *one thousand seven hundred and nine, certain other quantities of white herrings, salmon, codfish, beef, and pork, do or may remain in* Scotland *ready to be entred for exportation from thence to parts beyond the seas, being also salted with foreign salt imported into* Scotland *before the said first day of* May, *one thousand seven hundred and seven, without mixture, as aforesaid; and such fish being also duly pined, cured, and packed; and the beef and pork last-mentioned being likewise intended for sale only: and whereas the sum total of all the allowances claimed for the said fish and flesh exported, and to be exported from* Scotland, *so salted with foreign salt imported before the said first day of* May, *one thousand seven hundred and seven, being computed according to the rates unquestionably allowable for the like fish and flesh salted with foreign salt imported into* Scotland *after the said first day of* May, *one thousand seven hundred and seven, will not by estimation exceed twenty eight thousand four hundred fifty two pounds, nineteen shillings, and seven pence;* be it enacted, *&c.*

Fish, &c. cured with foreign salt only, imported before 1 May, 1707. to have the same allowances as since the union. Debentures to be prepared for fish, &c. exported since 1 May, 1707. and before 15 May, 1709. &c. And to be brought to the commissioners of the customs at Edinburgh, by 15 July, 1709. Not to exceed 28,452 l. 19 s. 7 d. Treasury to issue money for payment to Sir Patrick Johnson, &c. EXP.

V. And for preventing frauds, be it enacted, That no debentures for any allowances to be made by law for any fish or flesh exported, or hereafter to be exported from *Scotland* (the debentures for the said allowances not exceeding the said sum of

No debenture to be allowed till oath, &c.

twenty eight thouſand four hundred fifty two pounds, nineteen ſhillings, and ſeven pence, for fiſh and fleſh cured with foreign ſalt imported from *Scotland* before the union, as aforeſaid, only excepted) ſhall be prepared or allowed until ſuch oaths be made and taken, which the proper officers have hereby power to adminiſter; and all ſuch other matters and things be done and performed for preventing of frauds to her Majeſty's prejudice, as by any law or ſtatute now in force in *England* or *Scotland* are to be made, taken, done, or performed for preventing frauds in the like allowances for the like kinds of fiſh and fleſh reſpectively; and all laws now in force in *England* or *Scotland*, for preventing any frauds upon the importation and exportation of fiſh and fleſh, for which the ſaid allowances are to be made by law, ſhall be in force, and extended to *Scotland*.

VI. *And whereas certain quantities of ſuch foreign ſalt imported into* Scotland *before the ſaid firſt day of* May, *one thouſand ſeven hundred and ſeven, doth ſtill remain in the hands of ſeveral of her Majeſty's ſubjects there, not having been employed in the curing of fiſh or fleſh, or otherwiſe howſoever, which ſalt in hand doth not, by computation, exceed in the whole fifty one thouſand ſeven hundred ſeventy ſeven buſhels, reckoning eighty four pounds weight to the buſhel*; it is hereby further enacted, *&c.*

Such foreign ſalt in hand to be weighed by the ſalt officer by 1 June, 1709. and certified to the commiſſioners by 15 July, 1709. Not to exceed 51,777 buſhels. Stock in hand not delivered, forfeited. Salt ſo delivered to be cellar'd, &c. Treaſury to iſſue money for payment at 9 s. per buſhel, to Sir Patrick Johnſon, &c. Sir Patrick Johnſon, &c. to have 2d. per pound. EXP.

How the allowances for the future ſhall be aſcertained.

X. And for the better aſcertaining and ſecuring all ſuch allowances as by law ought to be made for any fiſh or fleſh exported, or hereafter to be exported from *Scotland*, which have been or ſhall be duly ſalted and cured only with foreign ſalt imported ſince the ſaid firſt day of *May*, one thouſand ſeven hundred and ſeven, or hereafter to be imported into *Scotland*, and for which her Majeſty's duties payable by the act of union, have been, or ſhall have been firſt duly paid or ſecured; be it further enacted by the authority aforeſaid, That all ſuch allowances (not being already ſatisfied) ſhall be paid by the officer appointed to collect the duties upon ſalt payable in *Scotland*, out of the ſame duties ariſen or to ariſe in the ſame port from whence any ſuch fiſh have been or ſhall be exported, within thirty days after demand thereof, on a debenture to be prepared by the collectors of the cuſtoms in the port where ſuch fiſh or fleſh have been or ſhall be entred out for exportation, and verified by the perſon executing the office of ſearcher in ſuch port, as to the quantity of fiſh or fleſh actually ſhipt, and that the oath of the exporter or agent be firſt taken before the principal officers of the ſaid port, before the debenture be allowed, who are hereby required and impowered to give the ſaid oath, that the fiſh in every ſuch debenture mentioned, were caught by her Majeſty's ſubjects, inhabitants of *Great Britain*, and that the fiſh and fleſh in ſuch

debenture

debenture mentioned, were really exported to parts beyond the seas for sale, and not intended to be relanded in *Great Britain*, and were duly cured only with foreign salt imported into *Scotland* after the said first day of *May*, one thousand seven hundred and seven, without any mixture of *British* or *Irish* salt, and that her Majesty's duties for such imported salt shall have been duly paid or secured, all which particulars shall be specified in such debentures respectively, for which debenture or debentures no fee or reward shall be taken; and in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then such officer and officers shall give a certificate in writing thereof, without fee or charge, to the exporter or his agent, to be directed either to the commissioners of the customs, or the commissioners of excise in *Scotland*, at the option of the said exporter, or his agent, and upon producing such certificates, together with the debenture or debentures so certified, to the commissioners of the customs, or the commissioners of excise for the time being, to whom such certificate shall be directed, shall cause such debenture or debentures so certified, to be paid and satisfied without fee or charge, in course, out of any her Majesty's duties arising upon salt in *Scotland*, or out of the said revenues of customs and excise in *Scotland*, or any of them, which are hereby charged therewith, and made liable thereunto, out of the first monies arising by the said revenues respectively, and with preference to all other payments whatsoever to be made out of the same; the charges of raising and managing those revenues, and the fees, salaries, and other charges allowed, or to be allowed by her Majesty, her heirs or successors, for keeping up the court of session and justiciary, and the Exchequer court in *Scotland*, always excepted, and foreprized; any law, statute, or usage to the contrary in any wise notwithstanding; and any officer or officers, commissioner or commissioners, to whom it may belong to certify or pay any such debenture or debentures, refusing or neglecting to do his or their duty therein, as is hereby directed, shall forfeit double the sum so to be paid, to the party grieved, to be recovered in the *Exchequer* of *Scotland*, as aforesaid.

By 10 Anna, c. 26. s. 108. These salaries are chargeable on the customs and excise, &c.

XI. Provided always, That nothing in this act contained shall extend to charge any part of, or lessen directly or indirectly the overplus of the customs of *Scotland*, exceeding the sum of thirty thousand pounds *per annum*, mentioned in the fifteenth article of the said union, or any part of the overplus of the excise of *Scotland*, exceeding the sum of thirty three thousand five hundred pounds *per annum*, mentioned in the same article; any thing herein contained to the contrary notwithstanding.

Not to charge the overplus of the customs of excise in Scotland.

CAP. XII.

An act for preserving the privileges of ambassadors, and other publick ministers of foreign princes and states.

WHEREAS *several turbulent and disorderly persons having in a most outragious manner insulted the person of his excellency*

Preamble, reciting that the Czar's am-

baſſador having been arreſted,

lently Andrew Artemonowitz Mattueof, *ambaſſador extraordinary of his Czariſh Majeſty, Emperor of* Great Ruſſia, *her Majeſty's good friend and ally, by arreſting him, and taking him by violence out of his coach in the publick ſtreet, and detaining him in cuſtody for ſeveral hours, in contempt of the protection granted by her Majeſty, contrary to the law of nations, and in prejudice of the rights and privileges which ambaſſadors and other publick miniſters, authorized and received as ſuch, have at all times been thereby poſſeſſed of, and ought to be kept ſacred and inviolable*; be it therefore declared by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in

enacted therefore, that all ſuits againſt him ſhould be void.

parliament aſſembled, and by the authority of the ſame, That all actions and ſuits, writs and proceſſes commenced, ſued, or proſecuted againſt the ſaid ambaſſador, by any perſon or perſons whatſoever, and all bail bonds given by the ſaid ambaſſador, or any other perſon or perſons on his behalf, and all recognizances of bail given or acknowledged in any ſuch action or ſuit, and all proceedings upon or by pretext or colour of any ſuch action or ſuit, writ or proceſs, and all judgments had thereupon, are utterly null and void, and ſhall be deemed and adjudged to be utterly null and void, to all intents, conſtructions, and purpoſes whatſoever.

And all proceedings againſt him and his bail vacated.

II. And be it enacted by the authority aforeſaid, That all entries, proceedings, and records againſt the ſaid ambaſſador, or his bail, ſhall be vacated and cancelled.

All proceſſes againſt any publick miniſter, or any of his ſervants, to be adjudged void for the time to come.

III. And to prevent the like inſolencies for the future, be it further declared by the authority aforeſaid, That all writs and proceſſes that ſhall at any time hereafter be ſued forth or proſecuted, whereby the perſon of any ambaſſador, or other publick miniſter of any foreign prince or ſtate, authorized and received as ſuch by her Majeſty, her heirs or ſucceſſors, or the domeſtick, or domeſtick ſervant of any ſuch ambaſſador, or other publick miniſter, may be arreſted or impriſoned, or his or their goods or chattels may be diſtrained, ſeized, or attached, ſhall be deemed and adjudged to be utterly null and void to all intents, conſtructions, and purpoſes whatſoever.

Puniſhment for attornies, &c. ſuing forth ſuch proceſs.

IV. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons ſhall preſume to ſue forth or proſecute any ſuch writ or proceſs, ſuch perſon and perſons, and all attornies and ſolicitors proſecuting and ſoliciting in ſuch caſe, and all officers executing any ſuch writ or proceſs, being thereof convicted, by the confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, before the lord chancellor, or lord keeper of the great ſeal of *Great Britain*, the chief juſtice of the court of *Queen's Bench*, the chief juſtice of the court of *Common Pleas* for the time being, or any two of them, ſhall be deemed violators of the laws of nations, and diſturbers of the publick repoſe, and ſhall ſuffer ſuch pains, penalties, and corporal puniſhment, as the ſaid lord chancellor, lord keeper, and the ſaid chief juſtices, or any two of them ſhall judge fit to be impoſed and inflicted.

V. Pro-

V. Provided, and be it declared, That no merchant or other trader whatſoever, within the deſcription of any of the ſtatutes againſt bankrupts, who hath or ſhall put himſelf into the ſervice of any ſuch ambaſſador or publick miniſter, ſhall have or take any manner of benefit by this act; and that no perſon ſhall be proceeded againſt as having arreſted the ſervant of an ambaſſador or publick miniſter, by virtue of this act, unleſs the name of ſuch ſervant be firſt regiſtred in the office of one of the principal ſecretaries of ſtate, and by ſuch ſecretary tranſmitted to the ſheriffs of *London* and *Middleſex* for the time being, or their under ſheriffs or deputies, who ſhall, upon the receipt thereof, hang up the ſame in ſome publick place in their offices, whereto all perſons may reſort, and take copies thereof, without fee or reward.

No merchant, &c. to have any benefit of this act: Nor the ſervant of an ambaſſador, unleſs his name be regiſtred, &c.

VI. And be it further enacted by the authority aforeſaid, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act; and that all judges and juſtices ſhall take notice of it without ſpecial pleading; and all ſheriffs, bailiffs, and other officers and miniſters of juſtice, concerned in the execution of proceſs, are hereby required to have regard to this act, as they will anſwer the contrary at their peril.

This act to be taken as a publick act.

v. Caſ. Temp. Talb. 281.

CAP. XIII.

An act for the better aſcertaining the lengths and breadths of woollen cloth made in the county of York.

I. WHEREAS *divers abuſes and deceits have of late years been uſed in the manufacture of woollen cloths in the county of* York, *with reſpect to the breadth, length, and over-ſtretching and ſtraining of the ſame, which tends to the great debaſing and undervaluing of the ſaid manufacture, both at home and in foreign parts where the ſaid cloths are vended*: for remedy whereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That from and after the four and twentieth day of *June*, which ſhall be in the year of Lord one thouſand ſeven hundred and nine, every broad cloth made in the ſaid county of *York*, whether the ſame be called an end or half cloth, or a long or whole cloth, being well ſcoured, and fully mill'd, ſhall, at the leaſt, be five quarters and an half by the ſtandard yard wand in breadth within the liſts, in the water, being fully wet; and every ſuch cloth called an end or half cloth, ſhall not exceed in length three and twenty yards, being fully wet; and every ſuch cloth called a long or whole cloth, ſhall not exceed forty ſix yards in length, being fully wet; and that all ſorts of *Yorkſhire* cloths called whole-thick-kerſeys, and whole-thick-plains, ſhall not be made under ſeventeen yards and an half in length, and not leſs than three quarters and an half in breadth by the ſtandard yard wand, when fully wet.

Breadth and length of broad cloth to be made in Yorkſhire, after June 24, 1709. *For length and breadth of Yorkſhire cloth, ſee* 1 Geo. 1. ſtat. 2. c. 15. ſ. 15.

II. And

Punishment of clothiers exposing cloth, otherwise made, to sale. *For manufacture of cloth in the west riding of York, see* 11 Geo. 1. c. 24. 7 Geo. 2. c. 25. 11 Geo. 2. c. 28.

II. And be it further enacted by the authority aforesaid, That if any clothier or other person shall, after the said four and twentieth day of *June*, in the said year one thousand seven hundred and nine, make, offer, or expose to sale any of the aforesaid cloths which shall be made after the said four and twentieth day of *June*, and not made according to the said respective breadths and lengths, every such person so offending, being thereof convicted by the oath of any overseer or searcher of cloth, appointed or to be appointed within the several and respective parishes or townships in the said county of *York*, by any former law now in force, or by the oath of one or more other credible witnesses before any justice of peace within the said county, or of any corporation within the same (provided such justice be not a merchant or trader in the woollen manufacture) which oath the said justices respectively are hereby impowered to administer, shall for every inch the said respective cloths shall be less than the said respective breadths, and for every yard the said broad cloths called a long or whole cloth, shall exceed the said length of six and forty yards, and for every yard the said broad cloth called an end or half cloth shall exceed the said length of three and twenty yards, and for every half yard the said whole-thick-kerseys or whole-thick-plains shall be less in length than seventeen yards and a half, as aforesaid, forfeit respectively the sum of twenty shillings.

Owners, &c. of fulling mills to fix a seal of lead, mentioning in figures the length and breadth of each cloth.

III. And be it further enacted by the authority aforesaid, That the owner or occupier of every fulling mill in the said county of *York*, where any of the said respective cloths shall be milled or fulled, shall fix or cause to be fixed at each end of every such cloth, before it is carried from the mill, a seal of lead, riveted and stampt with his name, mentioning in figures the exact number of yards and inches that the said cloth contains in length and breadth, when wet, scoured, and milled, for which he shall be paid, by the owner of the said cloth, the sum of one penny, and no more.

Fullers refusing or neglecting, and persons defacing, &c. the said seal, or stretching the cloth more than is directed by this act,

IV. And be it further enacted, That if the owner or occupier of any such mill shall at any time refuse or neglect to fix such seal, as aforesaid, to any such cloth, or if any persons shall afterwards take off, deface, counterfeit, or alter the figures of any such seal, before the cloth is exported or sold to the retailer, or if any person whatsoever shall, after the said four and twentieth day of *June*, stretch or strain any piece of the said woollen cloths more than one inch in every quarter of a yard in the breadth, or any piece of the said broad cloths more than one yard in every twenty yards in length, or any piece of the said whole-thick-kerseys and whole-thick-plains more than half a yard in every seventeen yards and an half in length, when the said respective cloths are wet, scoured, and milled, as aforesaid, or if any owner or occupier of any such fulling mill, as aforesaid, shall, after the said twenty fourth day of *June*, mill or full, or cause to be milled or fulled in any one stock

stock at the said time, any more than one whole broad cloth, or two half broad cloths, then, and in every such case, every such person that shall so neglect or offend, and be thereof convicted in manner aforesaid, shall for every such neglect or offence forfeit the sum of twenty shillings.

to forfeit the sum of 20 s.

V. And be it further enacted, That all such forfeitures as shall happen by reason of this act, shall be the one half thereof to the informer, and the other half to the poor of the township or place where the offence shall be committed; and that if any offender shall, by the space of seven days next after he shall be convicted, refuse or neglect to pay any forfeiture by him incurred by reason of this act, then, and not before, it shall and may be lawful for the justice or justices of the peace before whom such conviction shall be made, and such justice or justices of the peace are hereby required, to issue out one or more warrants under his or their hands and seals, to the constables of the town or place where such offender doth inhabit or can be found, within the limits of their respective jurisdictions, to levy the same by distress and sale of the offender's goods, returning the overplus (if any be) to the offender; and where no sufficient distress can be found, to commit the offender to the house of correction, or gaol of the county or corporation, to be kept to hard labour for such time as the justice of the peace before whom such conviction shall be made, shall direct, not exceeding one month for any one offence.

One half of the forfeiture to the informer, the other to the poor. Offender not paying the forfeiture in 7 days after conviction, the justice to issue his warrant, to levy it by distress, &c. and if no distress, the offender to be committed to the house of correction, &c.

VI. Provided always, and be it enacted, That the penalties incurred by reason of this act, be inflicted within ten days next after the offences are committed, or discovered.

Penalty when to be inflicted.

VII. Provided always, That if it shall happen that any such clothes, as aforesaid, without any wilful default of the maker thereof, shall in some parts (not exceeding in the whole one fifth part of the length) be less than the respective breadths aforesaid, yet such clothes may be sold without incurring any of the penalties by this act imposed on the maker or seller thereof.

If any such clothes shall, without the default of the maker, be less than the breadth aforesaid, they may be sold without penalty.

VIII. And be it further enacted, That if any person or persons find him or themselves aggrieved by any order or warrant made by any justice or justices of the peace upon any conviction before him or them in pursuance of this act, such person or persons may appeal to the next general quarter sessions of the peace to be held for the county or place where such conviction shall be made, giving sufficient notice of such appeal; and if the justices of the peace at such sessions shall think fit to confirm or disannul the said order or warrant, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in other cases of appeals from the orders of any justices of the peace to the quarter sessions.

The party aggrieved may appeal to the sessions, who may allow costs.

IX. And be it further enacted by the authority aforesaid, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons by this act authorized to put

The defendant may plead the general issue,

put the ſame in execution, all and every perſon and perſons ſo ſued may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the plaintiff ſhall become nonſuit, or forbear further proſecution, or ſuffer diſcontinuance, or a verdict paſs againſt him, or judgment upon demurrer, the defendant or defendants ſhall recover his and their treble coſts, for which he and they ſhall have like remedy as in caſes wherein coſts by law are given to defendants; and this act ſhall be taken and allowed as a publick act in all courts within this kingdom; and all judges and juſtices are hereby required to take notice thereof as ſuch, without ſpecial pleading of the ſame.

and ſhall recover treble coſts.

CAP. XIV.

An act for the better preſervation of parochial libraries in that part of Great Britain *called* England.

WHEREAS *in many places in the ſouth parts of* Great Britain *called* England *and* Wales, *the proviſion for the clergy is ſo mean, that the neceſſary expence of books for the better proſecution of their ſtudies cannot be defrayed by them; and whereas of late years, ſeveral charitable and well-diſpoſed perſons have by charitable contributions erected libraries within ſeveral pariſhes and diſtricts in* England *and* Wales; *but ſome proviſion is wanting to preſerve the ſame, and ſuch others as ſhall be provided in the ſame manner, from embezilment*; be it therefore enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That in every pariſh or place where ſuch a library is or ſhall be erected, the ſame ſhall be preſerved for ſuch uſe and uſes, as the ſame is and ſhall be given, and the orders and rules of the founder or founders of ſuch libraries ſhall be obſerved and kept.

In every pariſh where a library ſhall be erected, it ſhall be preſerved for the uſes to which it is given, &c.

II. And for the encouragement of ſuch founders and benefactors, and to the intent they may be ſatisfied, that their pious and charitable intent may not be fruſtrated; be it alſo enacted by the authority aforeſaid, That every incumbent, rector, vicar, miniſter, or curate of a pariſh, before he ſhall be permitted to uſe and enjoy ſuch library, ſhall enter into ſuch ſecurity by bond or otherwiſe, for preſervation of ſuch library, and due obſervance of the rules and orders belonging to the ſame, as the proper ordinaries within their reſpective juriſdictions, in their diſcretion, ſhall think fit; and in caſe any book or books belonging to the ſaid library ſhall be taken away and detained, it ſhall and may be lawful for the ſaid incumbent, rector, vicar, miniſter, or curate for the time being, or any other perſon or perſons, to bring an action of trover and converſion, in the name of the proper ordinaries within their reſpective juriſdictions; whereupon treble damages ſhall be given with full coſts of ſuit, as if the ſame were his or their proper book or books, which damages ſhall be applied to the uſe and benefit of the ſaid library.

Incumbents, &c. before they uſe the library, ſhall give ſecurity to preſerve it.

If any book be taken away, &c. the incumbent may bring trover, and ſhall recover treble damages, to the uſe of the library.

III. And

The ordinary, &c. may inquire into the ſtate of the library, and amend the defects;

III. And it is further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the proper ordinary, or his commiſſary or official in his reſpective juriſdiction, or the archdeacon, or by his direction his official or ſurrogate, if the ſaid archdeacon be not the incumbent of the place where ſuch library is, in his or their reſpective viſitation, to enquire into the ſtate and condition of the ſaid libraries, and to amend and redreſs the grievances and defects of and concerning the ſame, as to him or them ſhall ſeem meet; and it ſhall and may be lawful to and for the proper ordinary, from time to time, as often as ſhall be thought fit, to appoint ſuch perſon or perſons as he ſhall think fit, to view the ſtate and condition of ſuch libraries, and the ſaid ordinaries, archdeacons, or officials reſpectively, ſhall have free acceſs to the ſame at ſuch times as they ſhall reſpectively appoint.

and appoint perſons to inſpect the library.

Incumbent, &c. to make a catalogue of the books, to be deliver'd to the ordinary,

IV. And be it alſo further enacted by the authority aforeſaid, That where any library is appropriated to the uſe of the miniſter of any pariſh or place, every rector, vicar, miniſter, or curate of the ſame, within ſix months after his inſtitution, induction, or admiſſion, ſhall make or cauſe to be made a new catalogue of all books remaining in, or belonging to ſuch library, and ſhall ſign the ſaid catalogue, thereby acknowledging the cuſtody and poſſeſſion of the ſaid books; which ſaid catalogue ſo ſigned, ſhall be delivered to the proper ordinary within the time aforeſaid, to be kept or regiſtred in his court, without any fee or reward for the ſame.

and regiſtred without fee.

Where libraries are already erected, ſuch catalogue to be made, &c. before 29 Sept. 1709.

V. And be it further enacted by the authority aforeſaid, That where there are any parochial libraries already erected, the incumbent, rector, vicar, miniſter, or curate of ſuch pariſh or place, ſhall make or cauſe to be made a catalogue of all books in the ſame, thereby acknowledging the cuſtody and poſſeſſion thereof; which catalogue ſo ſigned, ſhall be delivered to the proper ordinary, on or before the nine and twentieth day of *September*, which ſhall be in the year of our Lord one thouſand ſeven hundred and nine; and where any library ſhall at any time hereafter be given and appropriated to the uſe of any pariſh or place, where there ſhall be an incumbent, rector, vicar, miniſter, or curate in poſſeſſion, ſuch incumbent, rector, vicar, miniſter, or curate, ſhall make or cauſe to be made a catalogue of all the books, and deliver the ſame, as aforeſaid, within ſix months after he ſhall receive ſuch library.

And where any ſhall be erected, within 6 months after.

Upon the death or removal of any incumbent, the churchwardens ſhall lock up the library.

VI. And to prevent any imbezilment of books upon the death or removal of any incumbent, be it alſo enacted by the authority aforeſaid, That immediately after the death or removal of any incumbent, rector, vicar, miniſter, or curate, the library belonging to ſuch pariſh or place ſhall be forthwith ſhut up, and locked, or otherwiſe ſecured by the churchwarden or churchwardens for the time being, or by ſuch perſon or perſons as ſhall be authorized or appointed by the proper ordinary, or archdeacon reſpectively, ſo that the ſame ſhall not be opened again, till a new incumbent, rector, vicar, miniſter, or curate

ſhall

ſhall be inducted or admitted into the church of ſuch pariſh or place.

The veſtry, &c. may meet in ſuch libraries, if they did ſo formerly.

VII. Provided always, That in caſe the place where ſuch library is or ſhall be kept, ſhall be uſed for any publick occaſion for meeting of the veſtry, or otherwiſe, for the diſpatch of any buſineſs of the ſaid pariſh, or for any other publick occaſion, for which the ſaid place hath been ordinarily uſed, the place ſhall nevertheleſs be made uſe of as formerly for ſuch purpoſes, and after ſuch buſineſs diſpatched, ſhall be again forthwith ſhut and lockt up, or otherwiſe ſecured, as is before directed.

The incumbent ſhall enter the benefactions, and books.

VII. And be it alſo further enacted by the authority aforeſaid, That for the better preſervation of the books belonging to ſuch libraries, and that the benefactions given towards the ſame may appear, a book ſhall be kept within the ſaid library for the entring and regiſtring of all ſuch benefactions, and ſuch books as ſhall be given towards the ſame, and therein the miniſter, rector, vicar, or curate of the ſaid pariſh or place, ſhall enter or cauſe to be fairly entred ſuch benefaction, and an account of all ſuch books as ſhall from time to time be given, and by whom given.

The ordinary and donor may make orders concerning the library;

IX. And for the better governing the ſaid libraries, and preſerving of the ſame, it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the proper ordinary, together with the donor of ſuch benefaction, (if living) and after the death of ſuch donor, for the proper ordinary alone, to make ſuch other rules and orders concerning the ſame, over and above, and beſides, but not contrary to ſuch as the donor of ſuch benefaction ſhall in his diſcretion judge

which ſhall be entred, as aforeſaid.

fit and neceſſary; which ſaid orders and rules ſo to be made, ſhall, from time to time, be entred in the ſaid book, or ſome other book to be prepared for that purpoſe, and kept in the ſaid library.

Books not to be alienable without conſent of the ordinary.

X. And it is further enacted and declared by the authority aforeſaid, That none of the ſaid books ſhall in any caſe be alienable, nor any book or books that ſhall hereafter be given by any benefactor or benefactors ſhall be alienated, without the conſent of the proper ordinary, and then only when there is a

If any book be loſt, a juſtice of peace may grant a warrant to ſearch for it; and if found, it ſhall be reſtored to the library.

duplicate of ſuch book or books; and that in caſe any book or books be taken or otherwiſe loſt out of the ſaid library, it ſhall and may be lawful to and for any juſtice of peace within the county, riding, or diviſion, to grant his warrant to ſearch for the ſame, and in caſe the ſame be found, ſuch book or books ſo found ſhall immediately, by order of ſuch juſtice, be reſtored to the ſaid library; any law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

This act ſhall not extend to a library erected in Ryegate in Surrey.

XI. Provided always, That nothing in this act contained ſhall extend to a publick library lately erected in the pariſh of *Ryegate* in the county of *Surrey*, for the uſe of the freeholders, vicar, and inhabitants of the ſaid pariſh, and of the gentlemen and clergymen inhabiting in parts thereto adjacent; the ſaid library

brary being constituted in another manner than the libraries provided for by this act.

CAP. XV.

An act for altering Whitsuntide *and* Lammas *terms, for the court of* Exchequer *in* Scotland.

I. WHEREAS *it is found to be most convenient for the subjects of* Scotland, *that the terms to be kept and observed there, for the sitting of the court of* Exchequer, *should be at the same time that the court of the lords of session is held and kept there; and that therefore it is inconvenient that* Whitsuntide *term for the said court of* Exchequer *should begin before the month of* June, *or that* Lammas *term for the same court should continue after the month of* July; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That *Whitsuntide* term for the said court of *Exchequer*, shall at all times hereafter begin upon the first day of *June*, and shall end upon the two and twentieth day of the said month of *June*, and that *Lammas* term for the same court shall also at all times hereafter begin upon the seventh day of *July*, and end upon the six and twentieth day of the same month, except any of the said days, upon which the said terms are appointed to begin and end, happen to be upon a *Sunday*, in which case the beginning or ending of such term, in which that happens, shall be upon the day following.

Whitsuntide term for the court of Exchequer in Scotland, to begin June 1. and end June 22.

Lammas term to begin July 7. and end July 26.

Except any of the said days be Sunday.

II. And be it further enacted by the authority aforesaid, That all processes of the said court of *Exchequer* which are returnable upon the first day of *Whitsuntide* term next ensuing, shall be returned into the said court upon the first day of *June* next ensuing, and all persons obliged to appear or answer in the said court upon the first day of the said term, shall be obliged to appear and answer there upon the said first day of *June*, as fully to all intents and purposes, as such returns, appearances, or answers ought to have been upon the five and twentieth day of *May* next, if such alteration of the said term, as is above, had not been made.

All processes returnable the first day of Whitsuntide term next, shall be returned the first of June.

CAP. XVI.

An act to prevent the laying of wagers relating to the publick.

WHEREAS *several persons have of late years laid wagers, and executed several policies for payment of great sums of money, upon several contingencies relating to the present war, and other matters relating to the government; which practice hath been found to be inconvenient to the publick; for preventing whereof for the future*, be it enacted, &c.

After the last of March, 1709. all wagers relating to the war, and all policies of assurance for payment thereof, shall be void: and all persons making such wagers, all brokers, &c. shall forfeit double the sum of such wagers.

EXP.

gers. One moiety to the Queen, the other to the proſecutor. This act ſhall not extend to any aſſurance on any ſhip, &c. nor to bonds of bottomry, &c.

CAP. XVII.

An act for making more effectual an act made in the ſixth year of her Majeſty's reign, for the better preventing of miſchiefs that may happen by fire.

I. WHEREAS *by an act made in the laſt ſeſſion of parliament, holden in the ſixth year of her Majeſty's reign, intituled,* An act for the better preventing miſchiefs that happen by fire, *it was, amongſt other things, enacted, That each and every pariſh within the cities of* London *and* Weſtminſter, *and weekly bills of mortality, ſhall from time to time, and at all times, have and keep in good order and repair, in ſome known and publick place within each pariſh, a large engine, and alſo a hand engine, to throw up water for the extinguiſhing of fires, and alſo provide, keep, and maintain one leather pipe and ſocket of the ſame ſize as the plug or fire cock, to the intent the ſocket may be put into the pipe to convey the water clean, and without loſs, or help of the bucket, into the engine; and for as much as ſeveral of the pariſhes within the ſaid city of* London *were, after the great fire which happened in the year one thouſand ſix hundred ſixty and ſix, united together, or to each other, and for that ſome doubt hath ariſen, whether each of the ſaid pariſhes ſo united is not obliged to have and keep two ſuch engines*; therefore for explaining the ſame, and avoiding of any diſpute or queſtion that may ariſe touching the conſtruction thereof, be it declared and enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid pariſhes ſo united were intended to be, and ſhall (for the purpoſes in the ſaid act mentioned) be eſteemed and taken as one pariſh only.

6 Ann. c. 31. 12 Geo. 1. c. 28.

The pariſhes in London, united after the fire, ſhall be taken as one pariſh for the purpoſes in the act 6 Ann. c. 31.

II. *And whereas by the ſaid act a reward of ten ſhillings is to be paid to the turn cock belonging to any water work, whoſe water ſhall be found on, or firſt come into the main or pipe where the firſt plug ſhall be opened at any fire; thirty ſhillings to the firſt engine keeper which brings in a pariſh engine to help to extinguiſh any fire; twenty ſhillings to the keeper of the ſecond pariſh engine that ſhall be next brought to a fire; and to the third ten ſhillings; by the churchwardens of each pariſh where ſuch fire ſhall happen*; be it further enacted by the authority aforeſaid, That in all caſes where the ſaid rewards are claimed, by reaſon of any fire happening within the ſaid city of *London*, or the liberties thereof, the churchwardens of the pariſh where ſuch fire ſhall happen, ſhall not pay the ſaid rewards, or any of them, without the approbation and direction of the alderman of the ward wherein ſuch pariſh is ſituate, or his deputy, or two of the common councilmen of the ſame ward for the time being; and that the ſaid ſeveral rewards ſhall likewiſe be paid and payable in like proportion, and in the ſame manner, to the keeper of any other large engine, (though

The rewards to the turn cock and others, how to be paid.

(though not a parish engine) who ſhall bring in ſuch large engine to help to extinguiſh any fire, in good order, and compleat.

III. Provided nevertheleſs, and it is further enacted, That in caſe the veſtries of any of the ſaid united pariſhes, or of any other pariſhes within the weekly bills of mortality, ſhall at any time conceive it neceſſary for the ſaid pariſh, in reſpect of the largeneſs thereof, to have more than one great engine or hand engines, it ſhall and may be lawful for them to provide more great engine or engines, hand engine or hand engines, at the charge of the pariſh, by an aſſeſſment to be made, as by the ſaid former and this preſent act is preſcribed and provided; and that the ſame ſhall be under the like regulations and encouragements as the engine or engines reſpectively to be provided by the ſaid former act were and are to be. The veſtries may order more engines than one to be kept in a pariſh.

IV. And to the end the ſaid act may be made more effectual for the purpoſes the ſame was intended, it is further enacted, That there ſhall be left at the houſe, upon which there is a notice of a fire plug, a key to open the ſtop cock, and alſo a pipe for the water to come thereout, to be made uſe of as occaſion ſhall require. A key and pipe to be left at the houſe where there is notice of a fire plug.

V. *And whereas there is no proviſion made for raiſing monies to defray the neceſſary charges of providing and maintaining the ſaid engine or engines, ſtop blocks and fire cocks, and keys, and other implements and materials, and payment of the rewards or gratuities directed by the ſaid act*; be it further enacted by the authority aforeſaid, That the churchwardens, overſeers of the poor, and inhabitants, in a veſtry duly ſummoned, of the ſeveral pariſhes within the limits aforeſaid, ſhall and may, and they are hereby required from time to time (as often as there ſhall be occaſion) to rate and aſſeſs ſuch competent ſum and ſums of money as ſhall be needful and requiſite for the ends aforeſaid, in like manner as by law they may do for the maintenance and relief of the poor of their reſpective pariſhes; which rates being allowed and confirmed in like manner as the rates made for the poor are or ought to be, ſhall be collected and levied in the ſame manner as the rates made for the relief of the poor by law now may or ought to be collected and levied, ſubject nevertheleſs to the like appeal as in caſe of rates made for the relief of the poor; and the ſaid officers ſhall be accountable for the ſame in like manner as by law they are for the money by them levied and collected for the relief of the poor. The pariſh officers, &c. may aſſeſs rates for maintaining the engines, &c. to be levied as poor rates. but ſubject to the like appeal.

VI. And be it further enacted by the authority aforeſaid, That where any ſtop blocks of wood with plugs, or any fire cocks, have been or ſhall hereafter be made and fixed upon any mains and pipes belonging to any water works by virtue of this or the ſaid former act, the owners of the ſaid water works ſhall afterwards remove, change, or alter the ſaid mains or pipes, then in every ſuch caſe the owners of the ſaid mains or pipes ſhall, at their own proper charges, place and fix the ſame or the like ſtop blocks, plugs, and fire cocks upon ſuch new main or pipe ſo to be new laid, to be placed where the churchwardens for the In caſe of removal of mains or pipes, the like ſtop blocks ſhall be fixed, and the key removed to the houſe where the fire pipe is.

time being of the parish where the same were placed, shall direct and appoint; and in such case of removal, the key and pipe shall be removed to the house upon which notice shall be of such fire plug.

The clause in the act 6 Ann. c. 31. that party walls should be wholly of brick or stone, shall not extend to houses on London Bridge.

VII. *And whereas by the said act it was further enacted, That all and every house and houses that should be erected and built, either upon old or new foundations, in any place or places in and about the cities of* London *and* Westminster, *or other parishes or places comprized within the weekly bills of mortality, shall have party walls between house and house wholly of brick or stone, and of two bricks thick at the least in the cellar and ground stories, and thirteen inches thick upwards from the foundation quite through all the stories of each house, and eighteen inches above the roof, and that no mundillion or cornish of timber or wood under the eaves, should thereafter be made or suffered in any such new house or houses; but that all front and rear walls of every house and houses, shall be built of brick or stone, to be carried two foot and an half high above the garret floor, and coped with stone or brick*; be it declared and enacted by the authority aforesaid, That the said recited clause was not intended, or shall be construed, to extend to any house or houses hereafter to be erected and built upon any part of *London Bridge*, but that the same may be erected and built with wood and timber, as hath been always hitherto used; the said recited clause, or any other clause in the said act contained to the contrary thereof in any wise notwithstanding.

After May 1, 1709, all houses within the bills of mortality, (except on London Bridge, &c.) that shall be built on old or new foundations, shall have party walls between house and house, except door cases, &c.

VIII. And be it further enacted by the authority aforesaid, That from and after the first day of *May*, which shall be in the year of our Lord one thousand seven hundred and nine, all and every house and houses that shall be erected and built, either upon old or new foundations, in any place or places in and about the cities of *London* and *Westminster*, or other parishes or places comprized within the weekly bills of mortality, (except houses on *London Bridge*, and on the river of *Thames* below bridge) shall have party walls between house and house, wholly of brick or stone (except door cases, windows, lentils, breast summers, story posts, and plates) of two bricks thick at the least in the cellar, and one brick and an half thick upwards to the top of the garret floor, and all gable ends to be one brick in length, and eighteen inches above the roof, and to have no beams or rafters lie or stand, or be in the brick works of the gable ends.

How the party walls shall be built.

IX. *And whereas many suits of law have been brought about differences in party walls*, be it further enacted by the authority aforesaid, That all party walls that shall hereafter be built, shall be built nine inches on each man's ground, whether the old party wall be brick, stone, or timber, and that the first builders shall have power to pull down the same, and build up the new party wall, as aforesaid, and be paid by the owner of the next house after the rate of five pounds *per* rod as soon as he shall have built the said party wall; and for all houses hereafter to be built that will not yield the rent of twenty pounds *per annum*

For the pulling down of party walls, see 11 Geo. 1. c. 28. s. 1.

more

more than the ground rent, to be left to the diſcretion of the builders: provided that all party walls for the ſame be built with brick.

How chimney jambs, backs, &c. ſhall be built.

X. And be it further enacted by the authority aforeſaid, That all chimney jambs and backs that ſhall hereafter be erected or built, ſhall be nine inches thick from the cellars to the roof, and all withs the inſide of ſuch chimnies, ſhall be four inches and an half in breadth, and all the funnels plaiſtered or pargetted the inſide from the bottom to the top, and that all chimnies be turned or arched under the hearths with brick, (except upon a ground floor) and that no timber ſhall lie nearer than five inches to any chimney, funnel, or fire place; and all mantles between the jambs arched over with brick, and no wood or wainſcot ſhall be placed or affixed to the front of any jamb or mantle of any chimney, nearer than five inches from the inſide of ſuch jamb or mantle; and that all gable ends called nine inches thick in party walls, be rendred on the ruffeſt ſide; and that all ſtoves and boilers, coppers, and ovens that ſhall be hereafter ſet up with brick or ſtone, ſhall not be nearer than nine inches at the leaſt to the adjoining houſe, and no timber to lie nearer than five inches to any fire place or flew.

Not above 10 gallons of turpentine, &c ſhall be boiled or diſtilled at one time in any workhouſe contiguous to other buildings (except in houſes already built in Southwark, &c.)

XI. *And whereas the diſtilling of turpentine, and the drawing of oil of turpentine and roſin by diſtilling of common turpentine, and the boiling of the ſaid oil and turpentine together for making of common varniſh, within the city of* London, *and the liberties thereof, has often been, and may hereafter prove of the moſt dangerous conſequence to the neighbourhood where ſuch trade or practice has been uſed, by the frequent fires that have and may happen thereby:* for preventing whereof for the future, be it enacted by the authority aforeſaid, That from and after the nine and twentieth day of *September*, one thouſand ſeven hundred and nine, it ſhall not be lawful for any perſon or perſons to diſtil or boil any turpentine, nor draw any oil of turpentine and rozin by diſtilling of common turpentine, nor boil the ſaid oil and turpentine together, above the quantity of ten gallons at any one time, of all or any the ſaid commodities, within the ſaid city of *London*, and liberties thereof, and the city of *Weſtminſter*, and borough of *Southwark*, and the liberties thereof, in any workhouſe contiguous to any other building, but ſhall ſtand diſtant from any other building at leaſt fifty foot, except ſuch houſes as are already built in *Southwark*, and are at preſent uſed for the ſaid trade, and except the ſtill and furnace built by *Daniel Tombes* at his houſe at *Holborn Bridge* for the diſtillation of oil of turpentine; upon pain that every perſon offending therein, ſhall, for every offence, forfeit the ſum of one hundred pounds, which forfeitures ſhall and may be recovered, with treble coſts of ſuit, by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be granted or allowed, nor any more than one imparlance; one moiety whereof ſhall be to her Majeſty, her heirs and ſucceſſors, and the other moiety

upon pain of forfeiting 100 l. to be recovered with treble coſts; one moiety to the Queen, the other to him who will ſue &c.

moiety to ſuch perſon or perſons as ſhall inform and ſue for the ſame.

After June, 1709, no brick or ſtone work in the fronts, &c.

XII. *And whereas frequent and great damage happens to houſes by fire, as likewiſe conſtant decay and ruin, by ſetting brick-work upon timber*, be it enacted by the authority aforeſaid, That from and after the firſt day of *June*, one thouſand ſeven hundred and nine, no brick or ſtone-work in the fronts, party, or partition walls of any houſe, tenement, or other building whatſoever, which ſhall be erected upon any new or old foundation within the cities of *London* and *Weſtminſter*, or their liberties, ſhall be ſupported, depend, or any otherwiſe bear upon any ſort of timber or wood work (excepting upon piles and planks where they are abſolutely neceſſary for foundations in marſhy and unſound ground, and excepting likewiſe all houſes upon *London Bridge*, and on the river of *Thames* below bridge) upon pain that every perſon ſo offending ſhall, for every ſuch offence, ſuffer impriſonment for three months without bail or mainprize.

ſhall bear upon timber, &c. on the penalty of 3 months impriſonment.

XIII. *And whereas, ſince frames of wood have been in uſe for doors and windows, it has been the common practice of workmen, to ſet them very near, and often quite ranging with the outſide face of the wall, by which means (being under no ſhelter from the weather) they ſoon rot and periſh occaſioning great coſt and expence in perpetual repairs:* For prevention of ſuch evil and unſkilful practice for the future, be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and nine, no door frame, or window frame of wood to be uſed in any houſe or building, which ſhall be erected upon old or new foundations within the aforeſaid cities of *London* and *Weſtminſter*, or their liberties (except houſes on *London Bridge*, and on the river of *Thames* below bridge) ſhall be ſet nearer to the outſide face of the wall than four inches.

No door frame, &c. of wood to be nearer the outſide of the wall than 4 inches.

CAP. XVIII.

An act to preſerve the rights of patrons to advowſons.

FORASMUCH *as the pleading in a* Quare impedit *is found very difficult, whereby many patrons are either defeated of their rights of preſentation, or put to great charge and trouble to recover their right, which is occaſioned by the law as it now is:* for remedy whereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That no uſurpation upon any avoidance in any church, vicarage, or other eccleſiaſtical promotion, ſhall diſplace the eſtate or intereſt of any perſon entitled to the advowſon or patronage thereof, or turn it to a right, but he or ſhe that would have had a right, if no uſurpation had been, may preſent or maintain his or her *Quare impedit* upon the next, or any other avoidance, if diſturbed, notwithſtanding ſuch uſurpation; and if coparceners, or joint tenants, or tenants in common be ſeized of any eſtate of inheritance in the advowſon of any church or vicarage, or other eccleſiaſtical promotion, and

No uſurpation ſhall diſplace the eſtate of the patron, but he may maintain a *Quare impedit*, If coparceners, &c. be ſeized of an advowſon, &c. and a par-

and a partition is or ſhall be made between them to preſent by turns, that thereupon every one ſhall be taken and adjudged to be ſeized of his or her ſeparate part of the advowſon to preſent in his or her turn; as if there be two, and they make ſuch partition, each ſhall be ſaid to be ſeized, the one of the one moiety to preſent in the firſt turn, the other of the other moiety to preſent in the ſecond turn; in like manner, if there be three, four, or more, every one ſhall be ſaid to be ſeized of his or her part, and to preſent in his or her turn.

tition is made to preſent by turns, each ſhall be ſeized of a ſeparate eſtate to preſent accordingly.

CAP. XIX.

An act to enable infants who are ſeized or poſſeſſed of eſtates in fee, in truſt, or by way of mortgage, to make conveyances of ſuch eſtates.

WHEREAS *many inconveniencies do and may ariſe by reaſon that perſons under the age of one and twenty years, having eſtates in lands, tenements, or hereditaments, only in truſt for others, or by way of mortgage, cannot (though by the direction of the* Ceſtuy que truſt, *or mortgagor) convey any ſure eſtate in any ſuch lands, tenements, or hereditaments, to any other perſon or perſons:* for remedy thereof, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the tenth day of *May*, one thouſand ſeven hundred and nine, it ſhall and may be lawful to and for any ſuch perſon or perſons, under the age of one and twenty years, by the direction of the high court of *Chancery* or the court of *Exchequer*, ſignified by an order made upon hearing all parties concerned, on the petition of the perſon or perſons for whom ſuch infant or infants ſhall be ſeized or poſſeſſed in truſt, or of the mortgagor or mortgagors, or guardian or guardians of ſuch infant or infants, or perſon or perſons entitled to the monies ſecured by or upon any lands, tenements, or hereditaments, whereof any infant or infants are or ſhall be ſeized or poſſeſſed by way of mortgage, or of the perſon or perſons entitled to the redemption thereof, to convey and aſſure any ſuch lands, tenements, or hereditaments, in ſuch manner as the ſaid court of *Chancery* or the court of *Exchequer* ſhall, by ſuch order ſo to be obtained, direct, to any other perſon or perſons; and ſuch conveyance or aſſurance ſo to be had and made, as aforeſaid, ſhall be as good and effectual in law to all intents and purpoſes whatſoever, as if the ſaid infants or infant were, at the time of making ſuch conveyance or aſſurance, of the full age of one and twenty years; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding.

After 10 May 1709, any perſon under the age of 21, being truſtee, &c. may by the directions of the courts of Chancery, or Exchequer, convey ſuch lands, &c.

and ſuch conveyance ſhall be good.

II. And be it further enacted by the authority aforeſaid, That all or every ſuch infant or infants, being only truſtee or truſtees, mortgagee or mortgagees, as aforeſaid, ſhall and may be compelled by ſuch order ſo, as aforeſaid, to be obtained,

An infant being truſtee, &c. may be compelled to make ſuch

His oath.

YOU *shall swear, That you will truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of parliament, intituled,* An act for the publick registring of deeds, conveyances, and wills, and other incumbrances which shall be made of, or that may affect any honors, manors, lands, tenements, or hereditaments, within the county of *Middlesex*, after the twenty ninth day of *September*, one thousand seven hundred and nine; *and that you have not given or promised, directly or indirectly, nor authorised any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you:*

So help you GOD.

Register misdemeaning himself, how punished.

IV. And be it further enacted by the authority aforesaid, That if such person so appointed register or master, shall be lawfully convicted of any neglect, misdemeanor, or fraudulent practice in the execution of the said office, he shall be liable to pay treble damages, with full costs of suit, to every person that shall be injured thereby, to be recovered as is herein after directed.

Memorials to be in parchment, &c.

V. And be it further enacted by the authority aforesaid, That all and every memorials, so to be entred and registred, shall be put into writing in vellum or parchment, and brought to the said office, and in case of deeds and conveyances shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall, upon his oath before one of the said registers, or masters, or before a master in *Chancery* ordinary or extraordinary, prove the signing and sealing of such memorial; and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof shall, upon his oath before the said registers or masters, or before such master in *Chancery*, as aforesaid, prove the signing and sealing of such memorial; which respective oaths the said registers or masters, and masters in *Chancery*, are hereby impowered to administer, and shall indorse a certificate thereof on every such memorial, and sign the same.

Memorials of deeds, &c. how to be attested,

and how memorials of wills.

Memorials to contain the day and year of the date, &c.

VI. And be it further enacted, That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places within the

said

aforeſaid, be it further enacted by the authority aforeſaid, That one publick office for regiſtring ſuch memorials of and concerning any honors, manors, lands, tenements, and hereditaments, that are ſituate, lying, and being within the ſaid county, ſhall be erected and eſtabliſhed in manner following; that is to ſay, That for the better and more effectual putting in execution the ſeveral matters and things in this act contained, the ſworn clerk to execute the office of inrolment in the high court of *Chancery*, who is appointed to inrol for the county of *Middleſex*, the chief clerk to inrol pleas in the *Queen's Bench*, the clerk of the warrants in the court of *Common Pleas*, and the Queen's remembrancer, or his deputy in the court of *Exchequer*, ſhall be the regiſters or maſters of the office for the matters and things in this act contained, and alſo ſhall and may, from time to time, nominate and appoint one or more able and ſufficient perſon or perſons, for whom they ſhall be accountable, to be their deputy or deputies; which ſaid regiſters or their deputies ſhall well and truly do and perform all and every the matters and things intended by this act to be done and performed, in ſome convenient office or place to be provided by the ſaid clerks or regiſters in or near ſome of the inns of court or *Chancery*, whereto all perſons may have free reſort at the times appointed by this act; and that the ſaid clerks or regiſters ſhall preſent ſuch deputy or deputies to the lord high chancellor, or lord keeper, or lords commiſſioners of the great ſeal of *Great Britain*, to the chief juſtice of the *Queen's Bench*, to the chief juſtice of the *Common Pleas*, and to the chief baron of the court of *Exchequer* for the time being, to be by them, or any three of them, approved of, before ſuch deputy or deputies ſhall enter upon the execution of the ſaid office; and that ſuch deputy or deputies ſhall and may be diſplaced and removed by the ſaid lord high chancellor, or lord keeper, or lords commiſſioners of the great ſeal, the chief juſtices of the *Queen's Bench* and *Common Pleas*, and chief baron, or any three of them, by any writing under their hands and ſeals; and that the ſaid lord chancellor, or lord keeper, or lords commiſſioners of the great ſeal, the two chief juſtices, and chief baron, or any three of them, ſhall, from time to time, have full power and authority to make ſuch rules and orders for the better management and government of the ſaid office, agreeable to the form and true intention of this act, as they ſhall find convenient and neceſſary.

25 Geo. 2. c. 4.

Who may make a deputy.

Office to be kept in or near the inns of court or Chancery.

Deputy to be approved of by the lord chancellor, &c.

and may be diſplaced in like manner.

Lord chancellor, &c. may make rules for the management of the office.

III. And be it further enacted, That every ſuch regiſter or maſter, before he enter upon the execution of the ſaid office, ſhall be ſworn before the lord chancellor, or lord keeper, or lords commiſſioners of the great ſeal of *Great Britain*, or the chief juſtice of the *Queen's Bench*, chief juſtice of the *Common Pleas*, and chief baron of the court of *Exchequer*, or any one of them (who are hereby impowered and required to adminiſter ſuch oath) in theſe words:

Regiſter to be ſworn.

His oath.

YOU *ſhall ſwear, That you will truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of parliament, intituled,* An act for the publick regiſtring of deeds, conveyances, and wills, and other incumbrances which ſhall be made of, or that may affect any honors, manors, lands, tenements, or hereditaments, within the county of *Middleſex*, after the twenty ninth day of *September*, one thouſand ſeven hundred and nine; *and that you have not given or promiſed, directly or indirectly, nor authorized any perſon to give or promiſe any money, gratuity, or reward whatſoever, for procuring or obtaining the ſaid office for you:*

So help you GOD.

Regiſter miſdemeaning himſelf, how puniſhed.

IV. And be it further enacted by the authority aforeſaid, That if ſuch perſon ſo appointed regiſter or maſter, ſhall be lawfully convicted of any neglect, miſdemeanor, or fraudulent practice in the execution of the ſaid office, he ſhall be liable to pay treble damages, with full coſts of ſuit, to every perſon that ſhall be injured thereby, to be recovered as is herein after directed.

Memorials to be in parchment, &c.

V. And be it further enacted by the authority aforeſaid, That all and every memorials, ſo to be entred and regiſtred, ſhall be put into writing in vellum or parchment, and brought to the ſaid office, and in caſe of deeds and conveyances ſhall be under the hand and ſeal of ſome or one of the grantors, or ſome or one of the grantees, his or their heirs, executors or adminiſtrators, guardians or truſtees, atteſted by two witneſſes, one whereof to be one of the witneſſes to the execution of ſuch deed or conveyance; which witneſs ſhall, upon his oath before one of the ſaid regiſters, or maſters, or before a maſter in *Chancery* ordinary or extraordinary, prove the ſigning and ſealing of ſuch memorial; and the execution of the deed or conveyance mentioned in ſuch memorial; and in caſe of wills, the memorial ſhall be under the hand and ſeal of ſome or one of the deviſees, his or their heirs, executors or adminiſtrators, guardians or truſtees, atteſted by two witneſſes, one whereof ſhall, upon his oath before the ſaid regiſters or maſters, or before ſuch maſter in *Chancery*, as aforeſaid, prove the ſigning and ſealing of ſuch memorial; which reſpective oaths the ſaid regiſters or maſters, and maſters in *Chancery*, are hereby impowered to adminiſter, and ſhall indorſe a certificate thereof on every ſuch memorial, and ſign the ſame.

Memorials of deeds, &c. how to be atteſted,

and how memorials of wills.

Memorials to contain the day and year of the date, &c.

VI. And be it further enacted, That every memorial of any deed, conveyance, or will, ſhall contain the day of the month and the year when ſuch deed, conveyance, or will bears date, and the names and additions of all the parties to ſuch deed or conveyance, and of the deviſor or teſtatrix of ſuch will, and of all the witneſſes to ſuch deed, conveyance, or will, and the places of their abode, and ſhall expreſs or mention the honors, manors, lands, tenements, and hereditaments contained in ſuch deed, conveyance, or will, and the names of all the pariſhes, townſhips, hamlets, precincts, or extraparochial places within the

ſaid

ſaid county where any ſuch honors, manors, lands, tenements, or hereditaments are lying or being, that are given, granted, conveyed, deviſed, or any way affected or charged by any ſuch deed, conveyance, or will, in ſuch manner as the ſame are expreſſed, or mentioned in ſuch deed, conveyance, or will, or to the ſame effect; and that every ſuch deed, conveyance, and will, or probat of the ſame, of which ſuch memorial is ſo to be regiſtred as aforeſaid, ſhall be produced to the ſaid regiſters or maſters at the time of entring ſuch memorial, who ſhall endorſe a certificate on every ſuch deed, conveyance, and will, or probat thereof, and therein mention the certain day, hour, and time on which ſuch memorial is ſo entred or regiſtred, expreſſing alſo in what book, page, and number the ſame is entred; and that the ſaid regiſters or maſters ſhall ſign the ſaid certificate when ſo indorſed; which certificates ſhall be taken and allowed as evidence of ſuch reſpective regiſtries in all courts of record whatſoever; and that every page of ſuch regiſter books, and every memorial that ſhall be entred therein, ſhall be numbred, and the day of the month, and the year, and hour, or time of the day when every the ſaid memorial is regiſtred, ſhall be entred in the margents of regiſter books, and in the margents of the ſaid memorial; and that every ſuch regiſter or maſter ſhall keep an alphabetical calendar of all pariſhes, extraparochial places and townſhips within the ſaid county with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments in every ſuch pariſh, extraparochial place or townſhip reſpectively, and of the names of the pariſhes mentioned in ſuch memorials; and that ſuch regiſter or maſter ſhall duly file every ſuch memorial in order of time as the ſame ſhall be brought to the ſaid office, and enter or regiſter the ſaid memorials in the ſame order that they ſhall reſpectively come to his hands.

Every ſuch deed, &c. ſhall be produced to the regiſters, &c. who ſhall indorſe a certificate, which ſhall be allowed as evidence.

The page of the regiſter books, and the memorials entred, ſhall be numbred.

Regiſter to keep an alphabet of all pariſhes, &c. and duly file the memorials in order of time.

VII. Provided always, and be it enacted, That where there are more writings than one, for making and perfecting any conveyance or ſecurity, which do name, mention, or any ways affect or concern the ſame honors, manors, lands, tenements, or hereditaments, it ſhall be a ſufficient memorial and regiſter thereof, if all the ſaid honors, manors, lands, tenements, and hereditaments, and the pariſhes, townſhips, hamlets, or extraparochial places wherein the ſame lie, be only once named or mentioned in the memorial or regiſter of any one of the deeds or writings made for the perfecting of ſuch conveyance or ſecurity; and that the dates of the reſt of the ſaid deeds or writings relating to the ſaid conveyance or ſecurity, with the names and additions of the parties, and witneſſes, and the places of their abodes, be only ſet down in the memorials and regiſters of the ſame, with a reference to the deed or writing whereof the memorial is ſo regiſtred, that contains or expreſſes the parcels mentioned in all the ſaid deeds, and directions how to find the regiſtring the ſame.

If there be more writings than one which affect the ſame hereditaments, &c. they need be named but once in the memorial, and the dates, &c. of the reſt only to be ſet down.

VIII. Provided alſo, and it is hereby enacted, That all memorials of wills that ſhall be regiſtred in manner, as aforeſaid, within

Memorials of wills to be regiſtred in

6 months after teſtator's death, dying within Great Britain, and 3 years if beyond ſea.

within the ſpace of ſix months after the death of every reſpective deviſor or teſtatrix, dying within the kingdom of *Great Britain*, or within the ſpace of three years after the death of every reſpective deviſor or teſtatrix, dying upon the ſea, or in any parts beyond the ſeas, ſhall be as valid and effectual againſt ſubſequent purchaſers, as if the ſame had been regiſtred immediately after the death of ſuch reſpective deviſor or teſtatrix; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

If the deviſee be diſabled, the regiſtry in 6 months after the diſability removed, ſhall be ſufficient.

IX. Provided always, That in caſe the deviſee, or perſon or perſons intereſted in the honors, manors, lands, tenements, or hereditaments, deviſed by any ſuch will, as aforeſaid, by reaſon of the concealment or ſuppreſſion, or conteſting ſuch will, or other inevitable difficulty, without his, her, or their wilful neglect or default, ſhall be diſabled to exhibit a memorial for the regiſtry thereof within the reſpective times herein before limited, and that a memorial ſhall be entred in the ſaid office of ſuch conteſt, or other impediment, within the ſpace of two years after the death of ſuch deviſor or teſtatrix, who ſhall die within the kingdom of *Great Britain*, or within the ſpace of four years next after the deceaſe of ſuch perſon who ſhall die upon the ſea, or beyond the ſeas, then, and in ſuch caſe, the regiſtry of the memorial of ſuch will, within the ſpace of ſix months next after his, her, or their attainment of ſuch will, or a probat thereof, or removal of the impediment whereby he, ſhe, or they are diſabled or hindred to exhibit ſuch memorial, ſhall be a ſufficient regiſtry within the meaning of this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Will concealed, &c. if not regiſtred in 5 years after the deviſor's death, ſhall not defeat a purchaſe.

X. Provided nevertheleſs, That in caſe of any concealment, or ſuppreſſion of any will, or deviſe, any purchaſer or purchaſers ſhall not be diſturbed, or defeated in his or their purchaſe, unleſs the will be actually regiſtred within five years after the death of the deviſor or teſtatrix.

Fees of the regiſter.

XI. And be it further enacted, That every ſuch regiſter or maſter ſhall be allowed for the entry of every ſuch memorial, as is by this act directed, the ſum of one ſhilling, and no more, in caſe the ſame do not exceed two hundred words; but if ſuch memorial ſhall exceed two hundred words, then after the rate and proportion of ſix pence an hundred for all the words contained in ſuch memorial, over and above the firſt two hundred words, and the like fees for the like number of words contained in every certificate or copy given out of the ſaid office, and no more, and for every ſearch in the ſaid office, one ſhilling, and no more.

Regiſter to give due attendance,

XII. And be it further enacted by the authority aforeſaid, That every ſuch regiſter or maſter ſhall give due attendance at his office every day in the week (except *Sundays* and holy-days) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the diſpatch of all buſineſs belonging to the ſaid office; and that every ſuch regiſter

giſter or maſter, as often as is required, ſhall make ſearches concerning all memorials that are regiſtred, as aforeſaid, and give certificates concerning the ſame under his hand (if required by any perſon) teſtified by two credible witneſſes. and make ſearches when required.

XIII. And be it further enacted by the authority aforeſaid, That each of the ſaid regiſters or maſters, at the time of his being ſworn into the ſaid office, as aforeſaid, ſhall enter into a recognizance with two or more ſufficient ſureties (to be approved of by the lord chancellor, or lord keeper, or lords commiſſioners of the great ſeal of *Great Britain*, or the chief juſtice of the *Queen's Bench*, chief juſtice of the *Common Pleas*, and chief baron of the court of *Exchequer*, or any one of them) of the penalty of two thouſand pounds unto her Majeſty, her heirs and ſucceſſors, to be taken by one of the ſaid chief juſtices, conditioned for his true and faithful performance of his duty in the execution of his ſaid office, in all things directed and required by this act; the ſame to be tranſmitted by ſuch chief juſtice within one month next after the date thereof, into the office of her Majeſty's remembrancer of the Exchequer, there to remain amongſt the records of the ſaid court. Regiſter, &c. to enter into a recognizance for the faithful performance of his office.

XIV. And be it further enacted, That the damages before-mentioned, to be forfeited by any ſuch regiſter or maſter, for any neglect, miſdemeanor, or fraudulent practice in the execution of his office, ſhall be recovered by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be allowed, nor any more than one imparlance. Forfeiture for his neglect, how to be recovered.

XV. And be it further enacted, That if any perſon or perſons ſhall at any time forge or counterfeit any entry of the acknowledgement of any ſuch memorial, certificate, or indorſement, as is herein mentioned or directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties as in and by an act made in the fifth year of Queen *Elizabeth*, intituled, *An act againſt forgers of falſe deeds and writings*, are impoſed upon perſons for forging and publiſhing of falſe deeds, charters, or writings, ſealed court rolls, or wills, whereby the freehold or inheritance of any perſon or perſons of, in, or to any lands, tenements, or hereditaments ſhall or may be moleſted, troubled, or charged; and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſters or maſters, or before any judge, or maſter in *Chancery*, in any of the caſes herein mentioned, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to the ſame penalties as if the ſame oath had been made in any of the courts of record at *Weſtminſter*. Perſons forging an entry of any memorial, liable to the puniſhments in the act of 5 Eliz. c. 14. Perjury before a regiſter, how to be puniſhed.

XVI. And be it further enacted by the authority aforeſaid, That in caſe of mortgages, whereof memorials ſhall be entred in the ſaid regiſter office purſuant to this act, if at any time afterwards a certificate ſhall be brought to the ſaid regiſters or maſters, ſigned by the mortgagee or mortgagees in ſuch mortgage, Upon certificate and proof made to the regiſter, that money due on a mortgage entred in the

regiſtry, has been ſatisfied, the regiſter ſhall make an entry in the margent, againſt the inrolment, &c.

gage, his, her, or their executors, adminiſtrators, or aſſigns, and atteſted by two witneſſes, whereby it ſhall appear that all monies due upon ſuch mortgage have been paid or ſatisfied in diſcharge thereof, which witneſſes ſhall upon their oaths before the ſaid regiſters or maſters, or before a maſter in *Chancery*, ordinary or extraordinary (who are hereby reſpectively impowered to adminiſter ſuch oath) prove ſuch monies to be ſatisfied or paid accordingly, and that they ſaw ſuch certificate ſigned by the ſaid mortgagee or mortgagees, his, her, or their executors, adminiſtrators, or aſſigns, that then, and in every ſuch caſe, the ſaid regiſters or maſters ſhall make an entry in the margents of the ſaid regiſter books againſt the regiſtry of the memorial of ſuch mortgage, that ſuch mortgage was ſatisfied and diſcharged according to ſuch certificate, to which the ſame entry ſhall refer, and ſhall after file ſuch certificate, to remain upon record in the ſaid regiſter-office.

This act not to extend to copyhold eſtates, &c.

XVII. Provided always, and be it further enacted, That this act ſhall not extend to any copyhold eſtates, or to any leaſes at a rack rent, or to any leaſe not exceeding one and twenty years, where the actual poſſeſſion and occupation goeth along with the leaſe, or to any of the chambers in *Serjeants Inn*, the inns of court, or inns of *Chancery*; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

After 29 Sept. 1709. no judgments, &c. (other than ſuch as are entred into in the name of the Queen, &c.) ſhall bind hereditaments in Middleſex, but from the time a memorial thereof ſhall be entred, &c.

XVIII. And be it further enacted by the authority aforeſaid, That no judgment, ſtatute, or recognizance, (other than ſuch as ſhall be entred into in the name, and upon the proper account of her Majeſty, her heirs and ſucceſſors) which ſhall be obtained or entred into after the ſaid twenty ninth day of *September*, in the ſaid year of our Lord one thouſand ſeven hundred and nine, ſhall affect or bind any honors, manors, lands, tenements, or hereditaments, ſituate, lying, and being in the ſaid county of *Middleſex*, but only from the time that a memorial of ſuch judgment, ſtatute, or recognizance ſhall be entred at the ſaid regiſter office, expreſſing and containing, in caſe of ſuch judgment, the names of the plaintiffs, and the names, additions, and places of abode, (if any ſuch be in ſuch judgment) of the defendants, the ſums thereby recovered, and the time of the ſigning thereof; and in caſe of ſtatutes and recognizances, expreſſing and containing the date of ſuch ſtatute or recognizance, the names, additions, and places of abode of the cognizors and cognizees therein, and for what ſums, and before whom the ſame were acknowledged; and that in order to the making an entry of ſuch memorials of judgments, ſtatutes, and recognizances, as aforeſaid, the party and parties deſiring the ſame, ſhall produce to, and leave with the ſaid regiſters or maſters, to be filed in the ſaid publick or regiſter office, a memorial of ſuch judgment, ſtatute, or recognizance, ſigned by the proper officer, or his deputy, who ſhall ſign ſuch judgment in the ſame office, or by the proper officer, in whoſe office ſuch ſtatute, or recognizance ſhall be inrolled, together with an affidavit ſworn before one of the judges at *Weſtminſter*, or a maſter in *Chancery*, that ſuch

ſuch memorial was duly ſigned by the officer whoſe name ſhall appear to be thereunto ſet; which memorial ſuch reſpective officer is hereby required to give ſuch plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors, or adminiſtrators, or attorney, or any of them, he, ſhe, or they paying for the ſame the ſum of one ſhilling, and no more.

The regiſter to make an entry, and (if required) to give a certificate of ſuch memorial, &c.

XIX. And be it further enacted, That the ſaid regiſter or maſter ſhall make an entry and likewiſe (if required) ſhall give a certificate in writing under his hand, teſtified by two credible witneſſes, of every ſuch memorial of any judgment, ſtatute, or recognizance brought to him to be ſo regiſtred, as aforeſaid, and therein mention the certain day on which ſuch memorial is ſo regiſtred or entred, expreſſing alſo in what book, page, and number the ſame is entred.

Publick act.

XX. And be it further enacted, That this act ſhall be taken and allowed in all courts within this kingdom as a publick act, and all judges, juſtices, and other perſons therein concerned, are hereby required as ſuch to take notice thereof, without ſpecial pleading the ſame.

No member of parliament capable to be regiſter, &c. Nor any regiſter to be a member of parliament. 25 Geo. 2. c. 4.

XXI. And be it enacted by the authority aforeſaid, That no member of parliament ſhall be capable of being regiſter, or of executing by himſelf or any other perſon or perſons, the ſaid office, or to have, take, or receive any fee or other profit whatſoever iſſuing out of the ſaid office, or for or in reſpect thereof; nor ſhall any ſuch regiſter, or his deputy, or any perſon or perſons receiving profit out of the ſaid office, be at any time hereafter capable of being, or being choſen, a member to ſerve in parliament.

CAP. XXI.

An act for improving the union of the two kingdoms.

21 Geo. 2. c. 19. 22 Geo. 2. c. 48.

WHEREAS *nothing can more conduce to the improving the union of the two kingdoms, which by her Majeſty's great wiſdom and goodneſs hath been happily effected, than that the laws of both parts of* Great Britain *ſhould agree, as near as may be, eſpecially thoſe laws which relate to high treaſon, and the proceedings thereupon, as to the nature of the crime, the method of proſecution and trial, and alſo the forfeitures and puniſhments of that offence; which are of the greateſt concern both to the crown, and to the ſubjects:* to the end therefore that the ſaid union may be more effectually improved, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *July*, in the year of our Lord one thouſand ſeven hundred and nine, ſuch crimes and offences which are high treaſon or miſpriſion of high treaſon within *England*, ſhall be conſtrued, adjudged, and taken to be high treaſon and miſpriſion of high treaſon within *Scotland*; and that from thenceforth no crimes or offences ſhall be high treaſon or miſpriſion of high treaſon within *Scotland*, but thoſe that are high treaſon or miſpriſion of high treaſon in *England*;

After 1 July, 1709. high treaſon and miſpriſion in England ſhall be ſo in Scotland, and no other.

And the Queen, &c. may grant commiſſions of *Oyer* and

Terminer in Scotland under the ſeal of Great Britain, to hear and determine ſuch treaſons, &c.

England; and that from and after the ſaid firſt day of *July*, in the ſaid year of our Lord one thouſand ſeven hundred and nine, the Queen's majeſty, her heirs and ſucceſſors, may iſſue out commiſſions of *Oyer* and *Terminer* in *Scotland*, under the ſeal of *Great Britain*, to ſuch perſons as her Majeſty, her heirs and ſucceſſors, ſhall think fit, and that three of the lords of the juſticiary be in the ſaid commiſſion of *Oyer* and *Terminer*, whereof one to be of the *Quorum*, to enquire of, hear and determine ſuch high treaſons and miſpriſion of high treaſon, in ſuch manner as is uſed in *England*.

A juſtice general who had juriſdiction before this act, to be in the commiſſion, and one of the Quorum.

II. Provided always, and be it enacted by the authority aforeſaid, That where any commiſſion of *Oyer* and *Terminer* ſhall iſſue, purſuant to this act, and is to be executed within any diſtrict where there is a juſtice general, or perſon having right of juſticiary, who had juriſdiction in caſes of high treaſon and miſpriſion of high treaſon at the time of the making of this act, from and after the time that ſuch right be made appear before the lords of ſeſſion, and by them certified to the lord chancellor of *Great Britain*, ſuch juſtice general, or ſuch perſon having right of juſticiary, or their reſpective deputy, ſhall be in the ſaid commiſſion, and one of the *Quorum*.

The juſtice court, &c. ſhall try treaſons in Scotland by a jury.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *July*, one thouſand ſeven hundred and nine, the juſtice court and other courts having power to judge in caſes of high treaſon and miſpriſion of high treaſon in *Scotland*, ſhall have full power and authority, and are hereby required, to enquire by the oaths of twelve or more good and lawful men of the county, ſhire, or ſtewartry where the reſpective courts ſhall ſit, of all high treaſons and miſpriſions of high treaſon committed within the ſaid counties, ſhires, or ſtewartries, and thereupon to proceed, hear, and determine the ſaid offences whereof any perſon ſhall be indicted before them, in ſuch manner as the court of *Queen's Bench* or juſtices of *Oyer* and *Terminer* in *England* may do by the laws of *England*: and if any perſon be indicted of high treaſon or miſpriſion of high treaſon before any juſtices of *Oyer* and *Terminer*, or in the circuit courts, or other courts having power to judge in caſes of high treaſon or miſpriſion of high treaſon in *Scotland*, then upon the requeſt of the Queen's advocate general to the lord high chancellor or lord keeper of the great ſeal of *Great Britain* for the time being, the lord chancellor or lord keeper ſhall award her Majeſty's writ of *Certiorari* under the ſaid great ſeal, directed to the juſtices of *Oyer* and *Terminer*, or the juſtices of the circuit courts, and ſuch other courts, thereby commanding them, or any of them, to certifie ſuch indictment into the juſtice court; which court ſhall have full power and authority, and is hereby required, to proceed upon, hear, and determine the ſame, as the court of *Queen's Bench* in *England* may do upon indictments removed or certified into the ſaid court; and that from and after the ſaid firſt day of *July*, in the ſaid year of our Lord one thouſand ſeven hundred and nine, all perſons convicted or attainted of

Indictments of treaſon, &c. before juſtices of *Oyer*, &c. may be removed by *Certiorari* into the juſtice court,

and there tried as in England.

Perſons attainted of treaſon in Scotland, to

of high treaſon or miſpriſion of high treaſon in *Scotland*, ſhall be ſubject and liable to the ſame corruption of blood, pains, penalties, and forfeitures, as perſons convicted or attainted of high treaſon or miſpriſion of high treaſon in *England*.

be liable to the ſame penalties as in England.

IV. Provided always, That where any perſon now is, or ſhall be, before the ſaid firſt day of *July*, ſeized of any meſſuages, lands, ſeigniories, rents, tenements, or hereditaments in *Scotland*, of an eſtate tail, that is to ſay, an eſtate tailzie, affected with irritant and reſolutive, or prohibitive clauſes, and is, or before the ſaid firſt day of *July*, ſhall be married, if any iſſue of that marriage be living, or there be poſſibility of ſuch iſſue at the time of the high treaſon committed, that then in ſuch caſe the ſaid meſſuages, lands, ſeigniories, rents, tenements, and hereditaments, ſhall not be forfeited upon the attainder of ſuch perſon for high treaſon, (but during the life of the perſon ſo attainted only) ſo that the iſſue and heirs in tail of ſuch marriage ſhall inherit the ſame, the ſaid attainder notwithſtanding.

A perſon ſeized of an eſtate tail in Scotland, and married before the ſaid firſt of July, ſhall forfeit his lands upon ſuch attainder but for his life only, and his iſſue ſhall inherit.

V. And be it further enacted by the authority aforeſaid, That all treaſons and miſpriſions of treaſon, which from and after the ſaid firſt day of *July* ſhall be done or committed by any native of *Scotland* upon the high ſea, or in any place out of this realm of *Great Britain*, ſhall be enquired of, heard and determined before the ſaid juſtice court, or before ſuch commiſſioners of *Oyer* and *Terminer*, and in ſuch ſhire, ſtewartry, or county of *Great Britain*, as ſhall be aſſigned by the Queen's commiſſion, and by good and lawful men of the ſame ſhire, in like manner to all intents and purpoſes as if ſuch treaſons or miſpriſions of treaſon had been done or committed in the ſame ſhire where they ſhall be enquired of, heard, and determined, as aforeſaid: and that from and after the ſaid firſt day of *July*, in the ſaid year of our Lord one thouſand ſeven hundred and nine, no perſon accuſed of any capital offence, or other crime in *Scotland*, ſhall ſuffer, or be ſubject or liable to any torture: provided that this act ſhall not extend to take away that judgment which is given in *England* againſt perſons indicted of felony, who ſhall refuſe to plead, or decline trial.

Treaſons committed by Scotſmen upon the high ſea, or out of Great Britain, ſhall be determined by the juſtice court, or before commiſſioners, &c. No perſon in Scotland ſhall be liable to torture. This act not to take away judgment in England, where felons refuſe to plead.

VI. Provided alſo, and be it further enacted by the authority aforeſaid, That every perſon may be ſummoned and returned to be a juryman in any ſuch trials, as aforeſaid, who ſhall at the time of ſuch trial have and be ſeized in his own right, or in the right of his wife, of lands or tenements, of an eſtate of inheritance, or for his or her life, or for the life of ſome other perſon, within the county, ſtewartry, or place where any ſuch trial ſhall be, or from whence the jury is to come, of the yearly value of forty ſhillings ſterling at leaſt; and for want thereof, or for any other lawful cauſe, ſhall be ſubject to be challenged and ſet aſide.

Qualifications of a juryman in Scotland.

VII. *And whereas the crimes after-mentioned are by ſeveral acts of parliament in* Scotland *declared to be treaſon, and the committers thereof are appointed to be puniſhed with the ſame pains and forfaultures as committers of treaſon, and that after the firſt day of* July *aforeſaid*,

No offences to be treaſon in Scotland, but what are ſo by the laws in England.

ſaid, the foreſaid act of parliament in Scotland *will have no force nor effect, ſeeing no facts nor offences are to be deemed treaſon within* Scotland *after that time, but ſuch as are ſo by the acts and ſtatutes now in force in* England; be it therefore by the authority aforeſaid further enacted, That theft in landed men, murder under truſt, wilful fire-raiſing, firing coalheughs, and aſſaſſination, which were declared to be treaſon by particular ſtatutes in *Scotland*, ſhall after the aforeſaid time be only adjudged and deemed to be capital offences, and the committers thereof ſhall be only liable to ſuch pains and puniſhments as by the law of *Scotland* are to be inflicted upon the committers of capital crimes and offences, and the perſons committers thereof are to be puniſhed and tried in the ſame manner as by the laws of *Scotland* is provided in the caſes of other capital crimes; any thing in this act to the contrary notwithſtanding.

Slaying any lord of ſeſſion, &c. high treaſon.

VIII. And be it alſo enacted by the authority aforeſaid, That if any perſon ſhall, from and after the ſaid firſt day of *July*, ſlay any of the lords of ſeſſion, lords of juſticiary, ſitting in judgment in the exerciſe of their office within *Scotland*, that the doing thereof ſhall be conſtrued, adjudged, and taken to be high treaſon.

Counterfeiting the great ſeal in Scotland high treaſon.

IX. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *July*, if any perſon counterfeit her Majeſty's ſeals appointed by the twenty fourth article of the union, to be kept, uſed, and continued in *Scotland*, that the doing thereof ſhall be conſtrued and adjudged to be high treaſon.

After the deceaſe of the pretender, and 3 years after the ſucceſſion to the crown by the demiſe of the Queen ſhall take effect, 1 W. & M. ſeſſ. 2. c. 2. 12 W. 3. c. 2. 17 Geo. 2. c. 39. no attainder for treaſon ſhall diſinherit any heir; but he may enter after the death of ſuch offender.

X. Provided always, and be it further enacted by the authority aforeſaid, That after the deceaſe of the perſon who pretended to be prince of *Wales* during the life of the late King *James*, and ſince pretends to be king of *Great Britain*, and at the end of the term of three years after the immediate ſucceſſion to the crown, upon the demiſe of her preſent Majeſty, ſhall take effect, as the ſame is and ſtands limited by an act made in the firſt year of the reign of their late majeſties King *William* and Queen *Mary*, intituled, *An act for declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*; and by one other act made in the twelfth year of the reign of his late majeſty King *William* the Third, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*, no attainder for treaſon ſhall extend to the diſheriting of any heir, nor to the prejudice of the right or title of any perſon or perſons, other than the right or title of the offender or offenders, during his, her, or their natural *lives* only; and that it ſhall and may be lawful to every perſon or perſons to whom the right or intereſt of any lands, tenements, or hereditaments, after the death of any ſuch offender or offenders, ſhould or might have appertained, if no ſuch attainder had been, to enter into the ſame.

XI. And be it further enacted by the authority aforeſaid, That

That from and after the decease of the person who pretended to be prince of *Wales* during the life of the late King *James*, and since pretends to be King of *Great Britain*, and at the end of the term of three years after the immediate succession to the crown, upon the demise of her present Majesty, shall take effect, as the same is and stands limited by an act made in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for declaring the rights and liberties of the subject, and settling the succession of the crown*, and by one other act made in the twelfth year of the reign of his late majesty King *William* the Third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, when any person is indicted for high treason, or misprision of treason, a list of the witnesses that shall be produced on the trial, for proving the said indictment, and of the jury, mentioning the names, profession, and place of abode of the said witnesses and jurors, be also given at the same time that the copy of the indictment is delivered to the party indicted; and that copies of all indictments for the offences aforesaid, with such lists, shall be delivered to the party indicted, ten days before the trial, and in presence of two or more credible witnesses; any law or statute to the contrary notwithstanding. 1 *Geo.* 1. *stat.* 2. *c.* 48.

After the times last above limited, a copy of the indictment for treason, &c. shall be delivered to the party indicted, 10 days before the trial. 1 W. & M. sess. 2. c. 4. 12 W. 3. c. 2.

CAP. XXII.

An act for the Queen's most gracious, general, and free pardon.

ANNE R.

THE *Queen's most excellent majesty calling to mind how many ways her loving and obedient subjects have, from time to time, expressed their dutiful affections towards her Majesty, and considering that divers of her said subjects may by sundry ways have fallen into the danger of very many penalties and forfeitures, ordained by the laws and statutes of this realm, from which they can in no wise be freed but by her Majesty's great goodness and clemency; and being graciously inclined to encourage and invite all her loving subjects to live and continue in their due obedience to her Majesty, rather by acts of grace and mercy, than by a severe execution of justice; and having an especial trust and confidence in her said subjects, that they will with more cheerfulness and affection apply themselves to the discharge of their respective duties towards her Majesty, and her government, when they shall be released and freed from the many pains, penalties, and forfeitures to which they are now liable, hath thought fit to grant her general and free pardon, in a large and more bountiful manner than hath heretofore been done:* and therefore her Majesty is well pleased and contented that it be enacted by the authority of this present parliament; and be it enacted, *&c.*

CAP. XXIII.

An act for raiſing the militia for the year one thouſand ſeven hundred and nine, although the month's pay formerly advanced, be not repaid. EXP.

CAP. XXIV.

An act for continuing the former acts for the encouragement of the coinage, and to encourage the bringing foreign coins and Britiſh *or foreign plate to be coined, and for making proviſion for the mints in* Scotland, *and for the proſecuting offences concerning the coin in* England.

18 Car. 2. c. 5. continued by 25 Car. 2. c. 8. and both revived by 1 Jac. 2. c. 7.

continued by 4 & 5 W. & M. c. 24. ſ. 3.

and further continued by 12 & 13 W. 3. c. 11.

Continued by 9 Geo. 1. c. 19. ſ. 1. *for* 7 *years from the* 1 *March,* 1723. *further continued from March,* 1730. *for* 7 *years by* 4 Geo. 2. c. 12.

WHEREAS *great benefit and advantage hath accrued to this kingdom by one act of parliament paſſed in the eighteenth year of the reign of his majeſty King* Charles *the Second, intituled,* An act for encouraging of coinage, *and continued by another act made in the five and twentieth year of the reign of his ſaid majeſty King* Charles, *intituled,* An act for continuing a former act concerning coinage; *both which ſaid acts were revived by an act made in the firſt year of the reign of his majeſty King* James *the Second, and were continued by an act made in the fourth and fifth year of the reign of King* William *and Queen* Mary, *of bleſſed memory, and were further continued by an act made in the twelfth and thirteenth year of the reign of the late King* William *of glorious memory, to be in force for ſeven years, from the firſt day of* June, *one thouſand ſeven hundred and one, and from thence to the end of the firſt ſeſſion of parliament then next following, and no longer; ſo that unleſs the ſaid acts be revived and continued, the encouragement given thereby will ceaſe, and this kingdom be deprived for the future of ſo great a good as it hath for many years laſt paſt enjoyed:* now we your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, do give and grant unto your Majeſty the rates, duties, and impoſitions herein after mentioned, for and during the term and time herein after expreſſed; and do humbly pray that it may be enacted; and be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That ſuch and the like rates, duties, and impoſitions, as by the ſaid act of parliament of the eighteenth year of the reign of King *Charles* the Second were granted, and by the ſaid ſubſequent acts were continued, for and upon the importation of wines, vinegar, cyder, beer, brandy, and ſtrong waters imported, during the reſpective terms therein mentioned, ſhall be further continued, and be paid and payable to her Majeſty, her heirs and ſucceſſors, for and upon all wines, vinegar, cyder, beer, brandy, and ſtrong waters, which ſhall be imported or brought into *Great Britain*, within or during the ſpace of ſeven years, to commence from the firſt day of *March*, one thouſand ſeven hundred and eight, and until the end of the firſt ſeſſion of

The rates, duties, &c. granted by 18 Car. 2. c. 5. and continued as above, upon wines, vinegar, &c. further continued to the Queen, &c. for 7 years, to commence 1 March, 1708. and till the end of the firſt ſeſſion of parliament,

of parliament then next following, and no longer; and that the ſaid act of the eighteenth year of the reign of King *Charles* the Second, and alſo one other act made in the five and twentieth year of the reign of his ſaid majeſty King *Charles* the Second, intituled, *An act for continuing a former act concerning coinage*; and one other act made in the fourth year of her now Majeſty's reign, intituled, *An act to impower the lord high treaſurer, or commiſſioners of the treaſury, to iſſue out of the monies ariſing by the coinage duty, any ſum not exceeding five hundred pounds, over and above the ſum of three thouſand pounds yearly, for the uſes of the mint*; and every clauſe, article, and ſentence in the ſaid acts, or any of them contained, ſhall be, and are by virtue of this act, revived and continued, and ſhall be in force, and be extended to all wines, and ſuch other liquors, as aforeſaid, which ſhall be imported or brought into *Great Britain*, for and during all ſuch term and time as are before-mentioned.

and the ſaid act of 18 and 25 Car. 2. 8. and the act 4 Ann. c. 22. are revived and continued for the time before-mentioned.

II. *And whereas the giving a further encouragement at this time to the coinage of ſilver money, may be an advantage to the publick*, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord high treaſurer of *Great Britain*, or commiſſioners of the treaſury for the time being, or any three or more of them, by his or their warrant or warrants, to authorize and require the maſter and worker of her Majeſty's mint or mints for the time being, out of the office of receipt of the ſaid mint or mints, according to the manner and courſe of the ſame, to iſſue or diſpoſe of the overplus of the money that hath ariſen or ſhall ariſe by the coinage duty, any ſum or ſums not exceeding ſix thouſand pounds, for and towards the payment of any ſum or ſums not exceeding two pence halfpenny *per* ounce for every ounce of foreign coins, and foreign or *Britiſh* wrought plate, of the ſtandard of eleven ounces two penny-weight fine, or reduced thereunto, as ſhall be brought into the ſaid mint or mints from and after the twentieth day of *April*, one thouſand ſeven hundred and nine, until the firſt day of *December*, one thouſand ſeven hundred and nine then next following, and no longer, there to be coined into the current coins of *Great Britain*; any law, ſtatute, or uſage to the contrary notwithſtanding.

The lord high treaſurer, &c. may require the maſter of the mint to iſſue out of the overplus money ariſing by the coinage duty, 6000 l. for the payment of 2d. ob. per ounce, of foreign coin, plate, &c. brought into the mint, after 20 April, 1709. till 1 Dec. 1709.

III. Provided alſo, and it is hereby further enacted by the authority aforeſaid, That over and above the ſums not exceeding three thouſand pounds *per annum*, and five hundred pounds *per annum*, mentioned in the ſaid former acts, it ſhall and may be lawful to and for the lord treaſurer of *Great Britain*, and under treaſurer, or commiſſioners of the treaſury, or any three or more of the ſaid commiſſioners for the time being, by order or warrants, to iſſue out of the Exchequer, or diſpoſe of the monies ariſing by the ſaid coinage duties, yearly and every year, from and after the commencement, and during the continuance of this act, and no longer, ſuch ſum as he or they ſhall think neceſſary and reaſonable, not exceeding in the whole the ſum of twelve hundred pounds for the fees and ſalaries of the officers of

Over and above the 3000 l. per annum, and the 500 l. per annum, mentioned in the former acts, the lord treaſurer, &c. may iſſue out of the Exchequer any ſum not exceeding 1200 l. per annum, for

the ſalaries of the officers of the mint.

of the mint or mints in *Scotland*, and towards the providing, maintaining, and repairing the houſes, offices, and buildings, and other neceſſaries for aſſaying, melting down, and coining in the mints of *Scotland*; any thing in the ſaid before recited acts, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

IV. Provided always, and it is hereby enacted by the authority aforeſaid, That (over and above the ſums not exceeding three thouſand pounds *per annum*, and five hundred pounds *per annum*, mentioned in the ſaid former acts, for the uſes of the mint) it ſhall and may be lawful to and for the lord high treaſurer of *Great Britain*, and the under treaſurer, or the commiſſioners of the treaſury, for the time being, by orders or warrants, to iſſue out of the Exchequer, or diſpoſe of the monies ariſing by the ſaid coinage duty, yearly and every year, from and after the firſt day of *June*, one thouſand ſeven hundred and nine, any ſum or ſums not exceeding the yearly ſum of four hundred pounds, for the charges and expences of the officers, and others employed and to be employed in the proſecution of offences in counterfeiting, diminiſhing, or otherwiſe concerning the current coins of *Great Britain*, in that part thereof called *England*; and any officer or officers employed, as aforeſaid, may have and receive the ſaid ſum not exceeding four hundred pounds, or any part thereof, without being liable to any forfeiture, diſability, or incapacity whatſoever; the ſaid recited acts, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

After 1 June, 1709, the lord treaſurer, &c. may further iſſue, &c. 400 l. per annum, for the charges of officers, to be employed in proſecuting offences in counterfeiting, &c. the coin of Great Britain.

CAP. XXV.

An act for making perpetual an act for the better preventing the counterfeiting the current coin of this kingdom, as alſo an act for giving like remedy upon promiſſory notes as is uſed upon bills of exchange, and for the better payment of inland bills of exchange; and alſo for continuing ſeveral acts made in the fourth and fifth years of her Majeſty's reign for preventing frauds committed by bankrupts.

WHEREAS *the temporary laws following, which by experience have been found beneficial and uſeful, are expired, or near expiring*; therefore for continuing the ſame, be it enacted by the Queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the ſeſſion of parliament held in the eighth year of the reign of his late majeſty King *William* the Third, of glorious memory, intituled, *An act for the better preventing the counterfeiting the current coin of this kingdom*, which was to continue for one year, was by a clauſe in another act made in the ninth year of his ſaid Majeſty's reign, continued

The act 8 W. 3. c. 26.

in

in force unto the five and twentieth day of *March*, one thouſand ſeven hundred and one; which act was further continued by an act made in the firſt year of her preſent Majeſty's reign, till the five and twentieth day of *March*, one thouſand ſeven hundred and nine, and from thence to the end of the firſt ſeſſion of parliament then next enſuing, ſhall be, and is hereby continued, and ſhall be in force, and is hereby made perpetual.

Continued by 9 W. 3. c. 2. and further continued by 1 Ann. ſtat. 1. c. 9. made perpetual.

II. *And whereas by an act made in the eighth year of his late Majeſty's reign, intituled,* An act for the better preventing the counterfeiting the current coin of this kingdom, *it is ordained, That no proſecution ſhall be made for any offence againſt the ſaid act, unleſs ſuch proſecution be commenced within three months after ſuch offence committed*; be it enacted by the authority aforeſaid, That the proſecution of ſuch perſon or perſons as offend againſt the ſaid act, by making or mending, or beginning or proceeding to make or mend any coining tool or inſtrument therein prohibited, or by marking of money round the edges with letters or grainings, may be commenced at any time within ſix months after ſuch offence committed; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

8 Ann. c. 26. The proſecution of offences againſt 8 W. 3. c. 26. may be commenced in 6 months after the offence.

III. And be it further enacted by the authority aforeſaid, That an act made in the ſeſſion of parliament held in the third and fourth years of her Majeſty's reign, intituled, *An act for giving like remedy upon promiſſory notes as is uſed upon bills of exchange, and for the better payment of inland bills of exchange*, which was to continue for the ſpace of three years from the firſt day of *May*, one thouſand ſeven hundred and five, and from thence to the end of the next ſeſſion of parliament, ſhall be, and is hereby continued, and ſhall be in force, and is hereby made perpetual.

The act 3 & 4 Ann. c. 9. concerning promiſſory notes and bills of exchange, made perpetual.

The ſtatute 4 Annæ, c. 17. and 5 Annæ, c. 22. concerning bankrupts, continued from the 25th of April, 1709, for 5 years, and from thence to the end of the next ſeſſion of parliament. EXP.

CAP. XXVI.

An act for appointing commiſſioners to treat and agree for ſuch lands, tenements, and hereditaments as ſhall be judged proper to be purchaſed for the better fortifying Portſmouth, Chatham, *and* Harwich.

WHEREAS *for the better ſecuring her Majeſty's docks, ſhips of war, and ſtores, 'tis highly neceſſary to enlarge and ſtrengthen the fortifications at or near* Portſmouth, Chatham, *and* Harwich; *and in order thereunto, to purchaſe ſeveral lands, tenements, and hereditaments, ſome of which are or may be the eſtates of infants, femes covert, eccleſiaſtical corporations, or other perſons who by law are diſabled to make any contracts or conveyances; in all which caſes, as likewiſe where any proprietors deſigning to obſtruct the publick ſervice, or to make any unreaſonable gain to themſelves, inſiſt*

inſiſt on extravagant rates, 'twill be neceſſary to have recourſe to the uſual methods that have been taken in ſuch like caſes; be it therefore enacted, *&c.*

The Queen to appoint commiſſioners to ſurvey, &c. the lands to be purchaſed. Any five of the commiſſioners appointed to treat and agree with the owners of the lands, &c. Perſons refuſing to treat, or uncapable, the commiſſioners may iſſue warrants to the ſheriff to impanel and return a jury, who ſhall enquire into the true value, &c. Farther proviſion for the land owners by 8 Annæ, c. 21. ſ. 1. and their verdict ſhall be certified into the chancery by the 23d of October, 1709. The commmiſſioners not to be liable to the penalties in the act of 25 Car. 2. c. 2. nor 1 W. & M. ſeſſ. 1. c. 8. Nor 13 & 14 W. 3. c. 6. The commiſſioners not to be diſqualified from ſitting in the houſe of commons.

The End of the Eleventh VOLUME.

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